

BOARD OF MAYOR AND ALDERMEN

November 14, 2006

7:30 PM

Mayor Guinta called the meeting to order in joint session with the Library Trustees.

The Clerk called the roll.

Board of Aldermen:

Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees Present:

Peter Duffy, Joseph Sullivan, Kevin Devine, Jeffrey Hickock, Karen Sheehan-Lord

Library Trustees Absent:

Joanne Barrett and Madeleine Roy

Mayor Guinta advised that nominations are in order to fill the expired term of Peter Duffy currently completing the term of Trustee Mary Heath who resigned in March 2006; such nominations to be made for a term to expire October 2013.

Alderman Gatsas moved to nominate Peter Duffy to begin serving a seven-year term expiring in October 2013. Library Trustee Devine duly seconded the nomination.

On motion of Alderman O'Neil, duly seconded by Alderman Duval it was voted to close nominations.

On motion of Alderman Gatsas, duly seconded by Alderman DeVries it was voted to suspend the rules and confirm the nomination of Peter Duffy to the Library Board of Trustees, term to expire October 2013.

There being no further business to come before the joint session, on motion of Alderman Roy, duly seconded by Alderman Pinard it was voted to adjourn.

Mayor Guinta called the regular meeting of the Board to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Guinta stated we have a quick presentation if Georgie Reagan will come forward.

Peter Ramsey, Arts Commission Chairman, stated we are very proud tonight on behalf of the Manchester Arts Commission to have the Mayor give an award to a very unique and special

person, a person that was born at the Elliot Hospital and has lived in Manchester her entire life and has run a dance studio and literally affected thousands of lives in a remarkable way. I would like to turn the microphone over to the Mayor.

Mayor Guinta stated turn it over to Georgie. She gets to do the honors.

Georgie Reagan stated it is my great honor and pleasure to invite Sally Zyla to please come forward and accept this certificate that is well deserved and it is my honor to have the Mayor hand that to you. Thank you Sally for all you have done.

Sally Zyla stated I guess if you stick around long enough...this will be my 55th year teaching dance in Manchester and this is my home and my city. I have lived in the same apartment with my parents...my mother lived in it for 64 years on Concord Street. I lived there until I married and have continued to love and live in the City of Manchester and because it says Manchester on it, it makes it an even more special award. I thank Peter and the Mayor and the Board of Aldermen and everybody connected with this. It is an honor and one I will treasure. Thank you.

Mr. Ramsey stated finally ladies and gentlemen, on behalf of the Manchester Arts Commission after a year and a half of work we have voted officially and we are here to notify you of that vote on the first piece of public art that will be commissioned in 15 years in the City of Manchester. We have worked with the Verizon Arena and the Arts Commission conducted a national search. Over 40 different artists from all around the country submitted their work and we chose an artist from Walpole, NH believe it or not. His name is Clowes and he has done a number of pieces of work. I have some art here that I will show you and pass around so you can look at it. It is kind of funny...we asked him what it meant and it is going to be 18 feet tall and he said that is up for you to decide what it means, which is a typical artistic response. Let me turn it over to Georgie.

Ms. Reagan stated I just have to explain what this little ball is here. This represents sports in his interpretation. In the artist's interpretation every sport must have a sports ball attached to it and this will be on a rigid steel bar. It is not anything that anybody will be able to injure themselves on. It is not flexible. It is a sturdy piece. It is more than 9' high. We have researched it thoroughly with the artist. The material is a composite with layers of copper and it is guaranteed to withstand New England winters for many, many years to come. So it will certainly be...in their opinion they wanted it as a landmark that Manchester would be proud of and that walking and driving pedestrians would use it as a landmark. We are proud of it. According to the artist's interpretation it does optimize growth and it will be coming directly out of the ground. It does not have any huge base. It represents growth and the spirit of renaissance that we are experiencing here in Manchester and they thought that this should carry that identity with it – the spirit of renaissance and growth and this is the look of blossoming. Also they intended that it would somewhat follow the lines of the building, the

Verizon. We think they have kept within the parameters. They have tried to make it cultural to fit in with the architecture and it will be on the northwest/southwest corner of the Verizon. While lighting is not included, they encourage lighting and landscaping around it. We hope you love it and if not, we hope you learn to love it.

Pay and Display Meter Presentation

Brandy Stanley, Parking Manager, stated thank you very much for having me. As my first meeting in front of the full Board I would like to say that I very much have enjoyed the month that I have been here and look forward to meeting those of you I haven't met so far. I will just jump into this. We are getting ready to install Pay and Display meters on the street. We have moved forward with the meter program. By way of history, this program was recommended as part of the Parking study that was done in I believe April of this year. May 2 in the Committee on Administration direction was given to MEDO to move forward and issue an RFP, which was due for return in July 2006. The winning bidder was Cale, a Swedish company, and their bid was chosen based on their pricing, the responsiveness of the contractor and the technology they had, which we felt was the best fit for the City's needs. Ninety-three meters are going to be installed in the next couple of weeks. They are going to replace 634 parking meters, which gives us a 6.8 parking space to meter ratio, which is about the target you are looking for and we are going to be removing 425 meter poles. Basically how it works is we are going to have probably about one meter per block of parallel parking spaces. It is going to be placed in the middle of the block. We are looking for a maximum of eight parallel spaces to be managed by one meter and 15 angled spaces maximum to be managed by a single meter. That being said, what that means is nobody is going to have to walk more than four spaces to get to a parking meter, which is at 22' per space is about 45'. That is the maximum that any pedestrian is going to have to walk to get to the meters. The customers will park, walk to the meter, pay the meter, the meter will give them a receipt and they will go back to their car and put it on the dashboard face up. There are a lot of benefits to this program that the City is going to see. Probably the most pertinent one is the fact that we are going to be able to take credit card payments. We are going to be accepting MasterCard and VISA, which is a very, very big option when it comes to consumers wanting to pay the meters. Typically credit card sales will inch up to about 40% of your total revenue. We are also going to get what is called space compression, which basically means that the existing spaces are 22' long. Left on their own, parkers will take much less than 22' to park. They will park closer together, which means that we could get up to 10% more parking area or more parking available on the street. We are going to be eliminating the lines between the spaces. Not all of them have existing lines, but the ones that are there in the area that we are replacing there are 207 lines. One of the things that is going to help us with our revenue increase the most is the elimination of what is called piggy-backing. As it is now, if you park in front of a single space meter and pay for two hours and only stay for one hour, the next person could come in and park and use the extra hour that you didn't. With this system it goes away because the proof of payment and both of those hours goes

with the vehicle. So when the person leaves the extra hour of parking goes with the car. One of the things that is very nice for customers is that if you actually have extra time on your receipt you can go and park anyplace else in the City at another meter and stay for as long as that receipt is valid. There is very, very little downtime with these meters because they communicate directly to us in the office. All of the data is on the website and the machines will send us an alarm when they need to be emptied, when there is a problem with payment and when the receipt paper is low. We can set those alarms to any time we want and the other thing we can do is set it so that it automatically texts those alarms to the technicians that are in the field, which gives them real time information and eliminates the need for them to go back to the warehouse to get the information in order to service the meters. Along with these meters comes the opportunity for Smart Cards and what are called in car meters. We are not proposing to roll those out at this time because the technology is new and untested and we would rather have some other cities be the guinea pigs before we go forward with something like that. The last benefit in the back office software is the fact that the quality of our information is much better. We can track an individual transaction, be it cash or credit card, at any point during the day and at any meter. It gives us a lot more information in terms of what we need to do to set rates, to determine what areas of the City are under utilized and what areas of the City are most utilized. Unfortunately this map did not come out very well so we have a hard copy up here but as you can see the Millyard runs along the bottom and the red dots signify the meters that we are placing on the street. Most of the meters are at two-hour spaces and we have chosen those meters that make the most money to retrofit with these new meters. Most of what is going to be left is permit parking or 10 hour parking, which frankly doesn't make a whole lot of money other than permit parking and the Pay and Display meters don't do a whole lot for permit parkers. In order to make this program work, what we are doing is launching a pretty significant public relations campaign. We are holding a stakeholder training meeting on November 28 with the Manchester Police Department, Ordinance Violations Bureau, Intown Manchester, the Granite State Ambassadors, as well as the Chamber of Commerce. Those are the people we feel will have the most public contact about these meters and we feel that they need to know how they operate and be able to help support the campaign. We are also going to do local business outreach. We have some brochures that we provided to you in the press packet, which we will start handing out to local businesses this week. We have also invited television stations and newspapers and radio stations and we are providing them with copies of the press packet. After the meters are installed, we are going to have a number of parking docent out on the street for the first two weeks that the meters go live. These parking docents are going to be there strictly for the purpose of teaching our customers how to use the meters. The other thing we are going to do is we are going to have parking ticket amnesty during those first two weeks as well where instead of a parking ticket, what you would get is a flyer on your car that shows you how to use the meters in case you didn't quite get it the first time. The last thing we are going to do is the meter that is right there is going to stay here in City Hall and be posted outside the Ordinance Violations Bureau so if anybody has any questions, they can ask Dale Robinson and his team and we are going to

make sure they have the information they need to respond. Our installation timeline is as follows. We ordered 100 meters. We are going to install 93 at this time. The remaining seven we are reserving for the parking lots. We don't want to put them in right now because we think that the way the lots are managed needs to change and before we put the meters in we need to address that with the Mayor and Board of Aldermen. The anchor base and sign pole installation is going to begin this week. The graphics for the machine are already in production. The meters themselves will be installed on the anchor plates starting November 28 and will be finished December 1. The manufacturer is going to come in and do that. The old meter heads and the actual signs to be installed on the signposts are going to happen the weekend of December 2 and 3. We are not going to lose any time on the meters. We are not going to lose any collections because we are going to do this over the weekend. The system is going to be ready for public use on Monday, December 4 at 8 AM. The parking docent and the amnesty period will last from December 4 until December 15. In terms of the financial analysis, the cost of the meters is about \$770,000. The installation, graphics and additional labor at this time is estimated at \$122,000. That is very close to what it is actually going to be. We are projecting a 33% increase in revenues. Our payback on the investment is about three and a half years. The net present value of this investment over the next 10 years is over \$1 million. The internal rate of return is 25%, which is compared to the City's cost of capital of 4.5% and at 25% the net rate of return is very favorable, even for a private company. In terms of revenue projections, what it means for us this year is that we are going to expect an extra \$150,000 above what we just submitted to the City Clerk in terms of what we are going to make in revenue. Our incremental revenues...what we are going to get every calendar year is going to be about \$255,000. What this means for the budget is if we didn't put the meters in we would be \$1.7 million short this year. With the new meters we are only going to be about \$1.6 million short. The last item I have is an ordinance that we are asking to be adopted. We need to add a citation to our current list of citations because of the way the Pay and Displays operate. Currently the expired meter citation is only going to be adequate for people who pay for time, display the receipt on their dashboard and then stay longer or stay past the expiration time. What the current expired meter citation does not address is if someone does not display the receipt. So what we are asking for is an ordinance providing for a citation that is called "failure to display Pay and Display receipt". We are asking that that carry a fine of \$25 to be escalated to \$50 after seven days. We also need to revamp our meter bag program. Obviously because there are not going to be meter heads we are not going to be able to issue meter bags for construction activities. What we have done is developed a policy to issue a permit that is individually numbered and has an expiration date and the renters are going to be responsible for reserving their own space, not to exceed 18'. The last issue is PCO vacancies. I am aware that our budget has a provision for four more PCO's and we recently had one of the existing PCO's promoted within the Police Department so we are very short-handed. That situation is probably not going to be remedied any time soon because the Police Department has other priorities in terms of hiring the officers they are down. We think that it would probably be better if we looked at where the PCO's were actually finally going to end up before we hired anymore. That is the end of

my presentation. I just have a few graphics. These stickers are going to go on the top of the meter right underneath the top and above the space right there. It has a little bit more information with our contact information. These are the signs that are going to go on the street. The one on the left is going to go at either end of the block and the arrow on the sign is going to point to the middle of the block where the meter is. The one on the right is going to be posted on a signpost right next to the meter. It is going to be about 6' off the ground and enable people from as much as a block away to locate meters. This is another look at the placard that is on the front and if you look at the sticker on the right it is going to be about 3' long and it is going to be applied to both sides of the meter and go straight up and down. This is what the receipt looks like that you will display on your dashboards. October 25 10:22 AM is the expiration time and date of this particular receipt. This is just a recap of some of the financial information so if any of the Aldermen have any questions I would be more than happy to answer them.

Alderman Gatsas stated that was a nice presentation. Let me just ask. I buy a two-hour voucher and park for 45 minutes. Is that hour and 15 minutes good only for that day or any other day?

Ms. Stanley responded that hour and 15 minutes is good for the time that it says on the ticket. So if you bought two hours at 6 PM that receipt would be good until 8 PM. If you didn't use it before 8 PM you couldn't use it again. It is only valid for two hours from 6 PM until 8 PM on that particular day.

Alderman Gatsas replied so at that point it is lost.

Ms. Stanley responded that is correct.

Alderman Gatsas asked and when you say that you are taking lines away so that people will park closer, that assumption is that they are going to park closer and if they don't, that 10% that you are looking to increase the parking by could certainly be decreased by 20% if they take one and a half spaces because there is no line to guide them.

Ms. Stanley answered yes and that has been a concern with a lot of the other cities we talked to. We talked to between 12 and 15 cities that have put in Pay and Display meters and what they have found almost without exception is that their net gain of spaces has been, in fact, a gain. You are going to see situations where people do exactly what you are talking about but in total you are going to end up going the other way. You are going to end up getting more parking. Occasionally you are going to have that scenario but it is far outweighed by the other way. That was a question that we asked because we were concerned about that as well. Without exception they all said you end up gaining spaces.

Alderman Gatsas stated I think you said that there was going to be a meter in between every four spaces.

Ms. Stanley replied yes so if you have eight spaces on a block you are going to have four spaces, a meter, and then the other four spaces.

Alderman Gatsas asked explain to me how the furthest distance they are going to walk is 44'.

Ms. Stanley answered I apologize. My math was incorrect. It is 88'.

Alderman Shea stated I had the benefit of listening to you at the Traffic Committee meeting but it still bothers me that a person who is going to get a traffic ticket would have to pay \$25. I think that is quite a bit of an imposition on the part of someone using the downtown area because if they get hit with a \$25 fine you are not going to find them downtown too often because they just won't be able to afford to park downtown anymore. I know that that issue was approved 3-2 at the Traffic Committee meeting but it does concern me that a traffic ticket is...and then if they don't pay it in seven days it is \$50. You have to have a lot of money to be able to pay that kind of money and that is something I am very concerned about and I wanted to express that opinion. Thank you.

Ms. Stanley replied again my response would be of course the ending fine is going to be at the Board's pleasure. After talking to the Ordinance Violations Bureau, Dale Robinson noticed that when the rates were increased several fines earlier the actual number of citations dropped so the higher the fine is, the more of a deterrent it is. With that said, \$25 and \$50 is quite a bit of money and it is up to the Board. We would just note that the number of citations is going to drop.

Alderman Shea asked could you reiterate why you are indicating \$25 simply. Is it because of what Mr. Robinson said or is there some other way you can rationalize that idea?

Ms. Stanley answered no it was based on my conversations with Mr. Robinson. He did some research that the number of citations when the fines were raised were lower. That is why we are asking for the \$25.

Alderman Shea asked but it has nothing to do with the fact that you are installing different meters or that you have to make up any kind of difference between what the old meters and new meters have to do with the fines.

Ms. Stanley answered absolutely not.

Alderman DeVries stated I also had listened to the Traffic presentation that you made earlier and I couldn't help wondering if we shouldn't consider some sort of amnesty program to try

to educate individuals because I can see, especially with the 88' that you are walking back to feed the meter and then you are walking in the other direction that those tickets could easily end up in somebody's pocket rather than in display in their vehicle. Maybe this is going to be a learning process that could have initially an amnesty period and then some sort of tiered increase or some other approach so we would have more time to discuss it here at the Board level.

Ms. Stanley responded of course as you know we are doing the ticket amnesty for the first two weeks. I believe there is probably a Board meeting sometime after that and what I could do is have the PCO's track the number of citations that they issued for failure to display a receipt. If it is relatively small than we might not have an issue, however, if it is large then I can recommend a program to maybe tier it or see what we can do to address that.

Alderman DeVries stated so there is a two week amnesty where no ticket will be issued and then after that I would assume that if the ticket wasn't put on display but was purchased that the Ordinance division would be able to eliminate those tickets that had been generated.

Ms. Stanley replied yes they would be able to and one of the beauties of this system is that if that particular person paid with a credit card we would be able to go back and track that actual transaction. Again, if the credit card does what we think it is going to do and becomes 40% or 50% of the revenue, we should be able to resolve those types of tickets relatively easily.

Alderman DeVries stated I would be in favor of the non-payment of the meter or the lapsed meter to be the first tier that we go to after the two week amnesty to give a longer period of time for people to visit the downtown, especially in the Christmas season you may have a lot of people that are first time visitors and I don't think that is the time when we want to go to a \$25/\$50 ticket. That is my personal thought. Additional comment if I might because you just commented on the credit card use. Could you tell me how that credit card information is processed from the meter and how it is protected and secured?

Ms. Stanley responded we have not determined yet whether we are going to be batch processing or online processing. That is going to be a cost decision. Cale software encrypts the credit card information so us as back office users only have access to the first four and last four digits of the credit card. We don't have access to any of the numbers in between nor do we have access to the expiration date.

Alderman DeVries asked is the encrypted information privileged to just Cale.

Ms. Stanley answered if I may can I call the manufacturer up here to answer that.

Alderman DeVries stated certainly. I mean hackers are always an issue and it is well above my level of expertise but I am looking to know how the information is secured and protected.

Ryan Bonardi, Cale Systems, stated the credit card information when it is sent from the meter to a cell tower to the clearing house and then to your bank it is all done in 100 encryption. I have a few paragraphs that if any or all of you give me your e-mail address I can give you the full technical explanation if you would like to read it. It was also in our response to the RFP as well.

Alderman DeVries asked is your encryption as protected as say my tax return when I do that online transaction.

Mr. Bonardi answered I don't know exactly what the IRS uses to encrypt your tax return. I can tell you though that we have never had any issue with how the credit card numbers are encrypted and sent wirelessly from the meter to ultimately the bank.

Alderman DeVries stated I do have a few more questions. This wouldn't be for the manufacturer but I am sure you probably want to stay while you are there. The demarcation when you have the...what are we calling these pay stations, when they are abutting right up against our typical meters is there a good demarcation so that an individual pulling into that end space knows that they are someplace different than a regular traditional meter, especially where some of those old meter posts might be standing for a period of time without the head on them? I am thinking of confusion and somebody who is not familiar with downtown and what they remembered was a traditional meter and now they are pulling in and they see rows of traditional meters and it is 88' to the pay station. Are they truly going to recognize that they are not in free parking but instead in a whole different area?

Ms. Stanley responded we think that this signage package is going to address most of that. Denise and I actually went to Boston's Back Bay, which is running a pilot program specifically for the purpose of looking at the signs. We found that the white type on the black background as we have done here is very, very obvious and very, very difficult to miss. Standing at the end of one block we were able to locate four different meters down the street – two blocks away on either side of the street. We think that the signage package is going to be adequate to direct people to where they need to go and our meter technicians and our Parking Control Officers are also going to be trained from a customer service point of view to help people figure out where the meter is and how to get there.

Alderman DeVries asked the parking docents that will be working for two weeks, is it paid or volunteer? Who are they going to be?

Ms. Stanley answered they are going to be temporary hires of the City of Manchester. The Granite State Ambassadors were unable to respond very quickly so we opted to hire some temporary labor.

Alderman Forest stated in order to comment on Alderman Shea's comment about the fines I know where he is going as far as constituents getting tickets and things like that but I can only say as a former police officer that the higher fines are a deterrent for violators. I know Alderman Long gets them and I get them on a daily basis from business people downtown about vehicles not moving. I believe this will probably solve a lot of the problem. The \$25 fine, I think, is great. Alderman Shea may not but I think it is great. It is a deterrent. I think the Ordinance Violations Bureau is very responsive to people who come in with broken meters and they take care of it and I think with the instructions and all of the stuff that is going to come with the new meters it is going to work. That is my comment.

Alderman Gatsas asked what is the total expense line that you have.

Ms. Stanley answered that is \$770,000 for the meters as well as the \$122,000 for the graphics, signage, installation and labor.

Alderman Gatsas asked so every transaction that goes through the meter per \$1 there is a 20% or 17% for the transaction and 2% for every \$1 has a 20% transaction fee.

Ms. Stanley asked are you talking about credit card charges.

Alderman Gatsas answered yes.

Ms. Stanley stated no the credit card charges are actually going to be between 15 and 18 cents per \$1.

Alderman Gatsas asked so it is 18%. Do you have that up there?

Ms. Stanley answered I didn't include the expenses. I included the incremental revenue. However, we found in talking to other cities that the reduction in labor and maintenance, as well as the further increases in revenue actually pay for the credit card fees.

Alderman Gatsas stated right but if you are going to show me a 25% internal return, you have to show me an expense. If there is an 18% expense that needs to be shown up there. Of the 638 meters that you are replacing, how many are two-hour meters?

Ms. Stanley answered all but three.

Alderman Gatsas asked so the most anybody can buy is \$1 so for every \$1 that goes in there and what is the revenue from those 638 meters.

Ms. Stanley answered we don't know exactly what the revenue is because we don't have the technology to be able to track it meter by meter.

Alderman Gatsas asked roughly.

Ms. Stanley answered I would say it is about 80% of the total revenue.

Alderman Gatsas asked which is how many dollars.

Ms. Stanley replied when we annualized the current revenue it is \$771,000 for the year. Right now we are at \$275,000 total.

Alderman Gatsas stated so that is roughly 227,000 transactions at an 18% cost.

Ms. Stanley responded roughly.

Alderman Gatsas stated so by the time we are done we might not realize what we are thinking for a revenue.

Ms. Stanley stated if you would like I can go back and take a look at the associated expenses and redo this and give it to you within the next couple of days.

Alderman Gatsas responded I think it is an important factor when you start looking at 18%. That is a pretty high cost for doing business. I don't know how we absorb that any other way. I noticed in the paper that we are looking to sell this meters at \$15. I think the value on them when we bought them was \$300. Isn't there a community somewhere in this state that would like to buy meters that were \$300 for \$100 or \$50?

Ms. Stanley replied I can do some research but my initial answer would be no because the meters are by and large obsolete.

Alderman Gatsas asked is every community in the state doing this.

Ms. Stanley answered no but most of the meters that are being purchased by other communities have smart card slots.

Alderman Lopez stated let me go back to this fine of \$25 and \$50. Maybe Randy or the Mayor can speak to this. Did you calculate the increased fine fee and what calculation did

you come up with? Do you understand my question? When you did the revenue for the Enterprise system...

Randy Sherman, Interim Finance Director, interjected we didn't calculate that there would be any increase in fines from instituting these meters no.

Alderman Lopez stated and going back to a comment that one of the Aldermen made that we will have fewer fines I think that going into a new system like this we ought to think about...since we didn't include it in revenue we should take our time and let the people work this out. You know \$25 and \$50 is pretty heavy around the holidays. Maybe we should take this and leave it at \$10 and \$20 after seven days and then maybe the Traffic Committee can take another look see around January or February if we didn't calculate it in the first place. This system is going to...you are going to have a trial period or a warning for how long?

Ms. Stanley replied two weeks.

Alderman Lopez asked is that long enough. Did other cities only give two weeks?

Ms. Stanley answered most areas gave a maximum of two weeks. I ran into some cities that gave one week, however, we thought that two weeks would be more appropriate for Manchester.

Alderman Lopez stated I am just concerned that that is kind of heavy right off the top.

Alderman Garrity stated winter time is quickly approaching. What happens when there is snow on the windshield? Do we just stop giving tickets out?

Ms. Stanley replied no. The Parking Control Officers will wipe the snow off the windows.

Alderman Garrity stated they are going to have cold, wet hands.

Ms. Stanley responded we have already talked to them about it and they seem to be on board.

Alderman Garrity stated I hope they have a good set of gloves.

Alderman Long asked Brandy did I understand you correctly that the 18% or 20% charge on the transaction with the credit card is recouped some other way. For example, the individuals that are collecting the coins now will have a remote station that will tell them Meter #3 is getting full and it needs to be emptied so they won't be walking the streets as they are doing now and just emptying them on a scheduled time? It will be more focused on these machines need to be emptied and they will go out and do it. Is there any other savings that you may see, resource savings such as that?

Ms. Stanley answered at this point there is not a whole lot of resource savings because we are still going to have a bunch of the single space meters out there. What I see is our being able to do a better job of making sure that those meters are in operation rather than waiting until a customer calls and says that the meter doesn't work. We will be able to put together a more proactive maintenance program to keep these meters operational, which we are not currently able to do which of course is going to transmit to more revenue because we are going to have less downtime with the meters.

Alderman Shea stated going back to Alderman Gatsas I indicated by example about the credit card when somebody goes to the Back Room and uses them and so forth but my concern would be keeping track of how profitable this particular type of operation is going to be. You indicated at the Traffic meeting that you would be willing to come back monthly and give us a report for comparative analysis so that we could see whether or not going with this type of program is, in fact, beneficial or not. I am going to defer to Alderman O'Neil because basically I think he is ready to expound on how this contractual agreement was drawn up. I think he brought that up so your Honor I would like Alderman O'Neil to give us his remarks.

Alderman O'Neil stated this does not reflect on Brandy because she has been here for about five weeks. This is about as poor a way to handle a situation, a \$1 million contract, as there can be in City government - that we are having this discussion tonight with all of the pros and cons. The bottom line is we found out in the Traffic Committee that \$770,000 worth of these meters are on a truck on their way here as we speak on an order that was placed October 26. I think that is lousy to be honest with you.

Mayor Guinta stated in fairness the Board of Aldermen approved...

Alderman O'Neil interjected we approved a budget your Honor and there was enough discussion and when you talk to City staff as well as other Aldermen everybody is in agreement that we passed a budget, which included that number, but there was discussion both at the Public Safety & Traffic Committee level and at the Administration Committee that handled the transition of Parking over to MEDO and it was never clear we were buying 100 of these at a cost of almost \$800,000 with a total program of almost \$1 million. It wasn't to me. I have spoken to other Aldermen and it wasn't clear to them and I have spoken to City staff and it wasn't clear to them. I am not sitting here looking to pass blame or hang anyone but this was pretty poor that we are having this discussion here tonight and those meters are on a truck coming up here. I hope with other phases of the parking consultant's recommendation that they come back before this Board ahead of time before these costs are incurred. There has been a lot of confusion about PCO's. It was pretty clear that the Board of Aldermen has taken a position that PCO's stay at the Police Department until the Board of Mayor and Aldermen determine that they come over to the Parking

Enterprise. We need to be in the loop on this and I am not sure we were in this whole process. I am a little disappointed in that. We have no choice. We have to make it work. I asked Mr. Bonardi and we have a binding contract with him.

Alderman Gatsas asked is there a copy of the contract and who executed it.

Ms. Stanley answered I executed it and I don't have a copy with me. I would be happy to get it to you.

Alderman Gatsas asked who authorized the RFP.

Ms. Stanley answered the Board of Aldermen in the Administration Committee on May 2 authorized the RFP.

Alderman Osborne stated we were talking about the leeway of two weeks. When are these going to be installed?

Ms. Stanley responded they are going to be operational to the public on Monday, December 4.

Alderman Osborne asked why don't we just say January 1. Why are we saying two weeks? Why don't we just give them through the holidays?

Ms. Stanley answered we can certainly delay the opening until January 1 but we would need to move forward with the installation. That would be extra time that we would not be getting the incremental revenue that we would expect to get.

Alderman Osborne asked a week or so would make that much difference. Being the holidays that is the big thing.

Ms. Stanley answered if you are talking about the amnesty, we could certainly look at extending that.

Alderman Osborne replied yes that is what I am talking about.

Alderman Shea asked are we going to take a vote on whether we are going to raise the amount of the fine. We did take a vote at the Traffic Committee meeting.

Mayor Guinta answered I believe that is in the report to the BMA for this evening. That came out of Public Safety & Traffic, which met at 5:30 today so that report will be coming to the Board for review.

Alderman Shea asked when.

Mayor Guinta answered tonight.

Alderman Shea stated okay thank you.

Mayor Guinta stated before we begin with the consent agenda I am going to go out of order a little bit and bring part of the nominations that I have for this evening forward now so we can move on with what I think is some pretty important business. I have a letter that I am handing out to the Board with some attachments and I will read the letter. It says,

“Dear Members of the Honorable Board:

Pursuant to Section 3.03 of the City Charter, it is my pleasure to place the name of Mr. Timothy Soucy, R.S., M.P.H., in nomination to succeed Fred Rusczek as the Public Health Director for the City of Manchester.

Mr. Soucy is a long time employee of the Health Department and extremely well credentialed in the field of public health. His application was reviewed by a team of local healthcare specialists appointed by this office to help me select a nominee for the Health Director position. The team gave Mr. Soucy an outstanding recommendation and after meeting with him yesterday, I am glad to do so as well.”

s/Frank C. Guinta
Mayor

Mayor Guinta stated typically this nomination would lay over according to Rule 20 but if there is a wish by the Board to suspend that rule, I would support that given the fact that I think Tim is an exceptionally qualified individual for this position. With that, I would ask for a motion.

Alderman Smith stated I certainly endorse it and I move this along right now. Tim is a resident of Ward 10 and as everybody knows he has done a tremendous job at the Health Department and he is recommended by Fred and the Mayor.

Mayor Guinta asked does your motion include suspending the rules.

Alderman Smith answered it certainly does.

Mayor Guinta stated I know everyone wants to second it but I did promise it to Alderman Pinard. I think Tim can feel at home when everyone is jumping quickly to second the nomination.

Alderman Pinard duly seconded the motion to suspend the rules and confirm the nomination of Timothy Soucy as the Public Health Director for the City of Manchester.

Alderman Gatsas stated I know that there was a reorganization that I have some questions about that we had done a few months ago in regards to have two people at the same status. Is the second position going to be filled or are we doing another reorganization?

Mayor Guinta stated that recommendation would be forthcoming from the department head if confirmed.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

Timothy Soucy, Public Health Director, stated it is truly an honor to receive this appointment and the confirmation of the Board this evening. I am very pleased to have my family join me here this evening. I think our community owes an incredible amount of debt to Fred Rusczek for his 33 years of service to assuring the health of our community. The Manchester Health Department has been around since 1885. We have a long history of protecting the health of our community. We have a wonderful, dedicated professional staff that works day in and day out to make sure that the health of our community is protected and I look forward to the challenges that lie ahead and working with our staff, the Board of Mayor and Aldermen and our community partners to continue to assure that the health of our community is protected. Thank you Mayor and Board of Aldermen very much.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A.** On October 27, 2006 approving recommendation that all ideas, suggestions, and recommendations for City property proposed to honor the memory of Officer Briggs be referred to the Committee on Public Safety and Traffic.
(Unanimous vote)
- B.** On October 27, 2006 accepting the resignation of Paul Borek as the City's Economic Development Director.
(Unanimous vote)

Accept BMA Minutes

- C.** Minutes of BMA meetings held on June 12, 2006 and July 11, 2006 (two meetings).

Approve under Supervision of the Department of Highways

- D.** PSNH pole petition #11-1122 located on Massabesic, Belmont and Auburn Streets; PSNH pole petition #11-1123 located on Gay Street; and PSNH pole petition #11-1126 located on South Willow Street.

Informational – to be Received and Filed

- E.** Communication from Robert MacKenzie, Interim Economic Development Director, informing the Board of current marketing initiatives.
- F.** Manchester Health Department monthly report summary for October 2006.
- G.** Minutes of the MTA Commission meeting held on September 26, 2006 and the amended Ridership Report for August 2006 and the Financial and Ridership Reports for the month of September 2006.
- H.** Minutes of the Mayor’s Utility Coordinating Committee meeting held on October 18, 2006.

REFERRALS TO COMMITTEE

COMMITTEE ON FINANCE

- I.** Resolutions (from CIP reports):

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the FY2007 CIP 214207 Firesafe Intervention Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty One thousand Five Hundred Forty Eight Dollars (\$41,548) for FY2007 CJIP 412207 Radiological Emergency Response Plan (RERP) Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Three Thousand Six Hundred Twenty Five Dollars (\$23,625) for the FY2007 CIP 811407 Manchester VISTA Initiative Program.”

“Amending the FY2003 and FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million One Hundred Seventy Six Thousand One Hundred Twenty Five Dollars and Forty Nine Cents (\$1,176,125.49) for various CIP Projects.”

“Amending the FY2007 Community Improvement Program, amending the Administering Agency to read Highway – Facilities Division for the 2007 CIP 511307 JFK Coliseum Rehabilitation Project.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Seventy Five Dollars (\$8,075.00) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

- J.** Resolution: (from previous BMA actions)

“Amending the FY2007 Community Improvement Program, decreasing Cash funds in the amount of Seventy Seven Thousand Dollars (\$77,000) from various CIP Projects.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- K.** Recommending that Ordinance:
“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing Code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”
ought to pass as amended.
(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)
- N.** Recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”
ought to pass.
(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)
- O.** Recommending that Ordinance:
“Amending Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”
ought to pass.
(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)

COMMITTEE ON COMMUNITY IMPROVEMENT

- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$16,000 for the FY2007 CIP 214207 Firesafe Intervention Program and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous Vote)
- Q.** Recommending that the Board authorize acceptance and expenditure of funds in the amount \$41,548 for the FY2007 CIP 412207 Radiological Emergency Response Plan (RERP) Program and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous Vote)
- R.** Recommending that the Board authorize acceptance, transfer and expenditure of funds for various projects primarily resulting from the so called “mothers day” flood , fund sources anticipated through FEMA and State funds, and for such purpose an amending resolution and budget authorizations have been submitted.
(Unanimous vote)
- S.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$23,625 for the FY2007 CIP 811407 Manchester VISTA Initiative and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous Vote)
- T.** Recommending that the Board approve a sewer abatement request in the amount of \$52.20 for 1381 Union Street as recommended by the Environmental Protection Division.
(Unanimous Vote)
- U.** Recommending that a request for extension of CIP #210205 – Public Health Preparedness project from August 31, 2006 to June 30, 2007 be approved; and for such purpose a budget authorization has been submitted.
(Unanimous Vote)

- V.** Recommending that it has approved a request to not accept recent bids for vehicle purchases and allow the purchasing agent to go forth with purchasing off State contracts.
(Unanimous Vote)
- W.** Recommending that a request to formalize transfer of a vehicle from Welfare to the Facilities Division for the Clerk of the Works; and acquisition of a surplus vehicle for the Building Automation Specialist, with the understanding that an appropriate vehicle will be requested in the FY08 budget.
(Unanimous Vote)
- X.** Recommending that the Board approve change in administering agency for the \$1.775 million JFK Rehabilitation project from the Parks Department to the Highway Department and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous Vote)
- Y.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$8,075 for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program and for such purpose an amending resolution and budget authorization has been submitted.
(Unanimous Vote)

COMMITTEE ON JOINT SCHOOL BUILDINGS

- Z.** Advising that it has accepted the monthly report for September 2006 as submitted by DMJM, and is forwarding same to the Board for informational purposes only.
(School Committee Member Beaudry and Aldermen Thibault, Roy and Long voted in favor, School Committee Members Herbert and Gelinas were absent.)
- AB.** Advising that it has approved the payment of \$2,500 to the vendor for the pumps at the Central High garage and would seek restitution from Gilbane, and is forwarding same to the Board for informational purposes.
(School Committee Member Beaudry and Aldermen Thibault, Roy and Long voted in favor, School Committee Members Herbert and Gelinas were absent.)

COMMITTEE ON LANDS AND BUILDINGS

- AC.** Recommending that the Board of Mayor and Aldermen find property known as Map 692, Lot 10 located on Granite Street surplus to City needs and that the Mayor be authorized to dispose of same by executing deeds releasing all rights, title, interest, or claims in said property.

The Committee advises that it finds just cause to dispose of such through sale to an abutter as the property serves no public purpose, only an abutter can benefit from an acquisition, and conveyance of the parcel when merged with Lot 14 will place same back on the tax rolls of the City. The Committee recommends sale to the abutters Marcel L. and Sylvia Beliveau of 11 Farmer Lane and owners of 78 Douglas Street conditional upon lot consolidation with Lot 14 at a price of Ten Thousand Dollars (\$10,000.00), a value deemed reasonable by the Board of Assessors.
(Unanimous vote)

- AD.** Recommending that a request of Moore Center Services, Inc. to have the City release a reverter provision for property located at 132 Titus Avenue be approved.

The Committee recommends that the City Solicitor be authorized to prepare and review any necessary documents and that the Mayor be authorized to execute same relating to the release of the reverter provision by the City.
(Unanimous vote)

- AE.** Recommending that a request by Attorney David Nixon for a revocable license on unused City land immediately northerly of Dockside II Condominiums located at 51 Riverfront Drive be granted and approved as enclosed herein subject to the review and approval of the City Solicitor.
(Unanimous vote)

COMMITTEE ON PUBLIC SAFETY AND TRAFFIC

- AF.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)

ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of Committee on Bills on Second Reading

- L.** Recommending that Ordinance:
“Amending Section 33.054 (B)(2)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”
ought to pass as amended.
(Unanimous consent with exception of Aldermen Gatsas and Garrity who were absent.)

Alderman O'Neil stated I apologize that I didn't have a chance to call Ginny ahead of time on a couple of questions that had been asked of me. I just want to make sure that I am clear regarding this ordinance change. Ginny, these questions were asked of me. What lead to the proposed change? Had there been a problem? Had someone been affected by this?

Virginia Lamberton, Human Resources Director, answered the current ordinance as it is written an employee if needed would accrue comp time and be required to take the comp time off in the same week. What happens is that doesn't happen and so we are always out of compliance with our own ordinances.

Alderman O'Neil asked does that mean that people lost the comp time.

Ms. Lamberton answered no you cannot lose compensatory time.

Alderman O'Neil asked so it was taken even though it was out of...okay would a fix to this have been just to go from one week to within 90 days.

Ms. Lamberton answered anything is possible. It is just that...hopefully there won't be a lot of accruing of comp time. Secondly, if there is it is usually because a department is in a peak season and they don't have enough staff to do the job so they need the comp time work and we then we have asked that employee to be inconvenienced and work all of those extra

hours. It is nice if they can take those extra hours when it is good for them. It might be more than 90 days. It might be summer or winter vacation or when their children are sick or something like that.

Alderman O'Neil asked so just extending it to 90 days would not have necessarily solved the problem.

Ms. Lamberton answered I don't think that would be a good idea.

Alderman O'Neil asked and just so I have a clear understanding does comp time only apply to 35 hour a week employees.

Ms. Lamberton answered no. Compensatory time is given when a person is required to work beyond their basic workweek. The only people I am aware of that are 35-hour employees are some of the nurses in the Health Department. Other than that, all of the City employees are 40 hours a week.

Alderman O'Neil asked and this affects all 40-hour employees.

Ms. Lamberton answered that would be correct.

Alderman O'Neil moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman Shea duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman Long being duly recorded in opposition.

Report of the Committee on Bills on Second Reading:

M. Recommending that Ordinance:

“Amending Section 33.076(A), Special Leave of the Code of Ordinances of the City of Manchester.”

ought to pass as amended.

(Aldermen Duval and Pinard voted yea. Alderman Lopez opposed. Aldermen Gatsas and Garrity were absent.)

Alderman Lopez stated the only comment is I opposed this in Committee and I still oppose it because I don't believe department heads should be giving 90 days of leave without pay because there have been some situations or could be some situations of favoritism. I think after 30 days there ought to be an accountability process somewhere. Either at the Committee level or at the Mayor's Office and I strongly oppose the 90 days at this time.

Mayor Guinta asked where did this proposal originate. Was it City staff or from a Committee?

Ms. Lamberton answered it is from doing audits of departments. We found that unfortunately there were lots of employees who had been out more than 10 days. That is one issue. The

second issue is with the 10 days. The first 10 days is with the Mayor and after that you have to go to the full Board. Well most often people who are out a considerable amount of time have illnesses and I just don't know how appropriate it is for us to be coming to the public on TV saying Ginny Lamberton is sick and can she please have 90 days or 20 days without pay. I think that the Charter clearly states that the department heads are responsible for the personnel in their departments and I would hope that they would use good judgement on when it is appropriate to give time off without pay and when it is not.

Mayor Guinta asked does the non-public session provide us the ability to address these issues as a Board without letting the public know what particular employee we are discussing.

Ms. Lamberton replied I think you should ask Tom Clark that.

Thomas Clark, City Solicitor, stated there is a provision where you could go into non-public session if it is going to affect someone's reputation.

Mayor Guinta stated I would probably agree with Alderman Lopez on the issue and that there should be...and I recognize the role of the department head but I think there should be some oversight in circumstances where there is going to be a long-term leave of absence. My preference would be to have that allowance in the ordinance. I share that concern with Alderman Lopez.

Alderman DeVries stated I am also looking for an interpretation of the rotating year within the ordinance language from the HR Director.

Ms. Lamberton responded rotating year is language that comes out of the Family Medical Leave Act. What that means is you look back and see how many days in the past 12 months that employee has been without pay. If they had already been without pay for 30 days, then the department head can only grant them up to 60 days without coming to the full Board and getting permission.

Alderman DeVries asked so what you are saying is opposed to a calendar year it means any 12 month period where you would retroactively look back 12 months.

Ms. Lamberton answered that is correct.

Alderman DeVries stated I would agree when I looked at this ordinance before I thought 30 days might be a more reasonable amount that would fit our full BMA schedule even when we are in the summer months as opposed to the 90 days. I would recommend a language change to 30 days.

Alderman O'Neil stated I think this is one item that we sent back at one point for clarification. My only comment is that this needs to be enforced or implemented with consistency throughout the City. The current system we have of the Mayor being involved and then the Board of Aldermen I think has allowed for consistency and I don't think we have had that many over the years that I can remember. That is my concern. There has to be consistency. I, for one, if I hear there are problems I will vote to move it back.

Alderman Gatsas asked can you tell me how many times somebody has come to this Board in the last five years.

Ms. Lamberton answered I can tell you that I recall some catastrophic situations where we have come to the Board – maybe three or five. That is not my point. My point is that when we do audits we find that employees are being out more than the ordinance provides for and I am just trying to make us be in compliance with our own ordinances is what I am trying to do.

Alderman Gatsas asked if we find department heads abusing this privilege without us micromanaging then we should terminate the department head. That would be the easiest resolve. For us to be sitting here and worry about micromanaging whether or not somebody is not getting paid because they are out for 90 days because of an illness doesn't make sense to me. There are certainly bigger issues that we as a Board should be addressing than whether somebody comes in and says I have to go for an operation and I don't have any more time and I am going to be out for 90 days. It is not like they are being paid or accruing vacation.

Ms. Lamberton answered they don't have health insurance or anything.

Alderman Gatsas stated I am looking at this and saying if we don't have department heads who are going to manage the right way then it is certainly not the employee's fault nor this Board's fault. If there is an abuse then I agree with Alderman O'Neil. If it is the department head we should get rid of them.

Mayor Guinta stated the only question I would have is what is the mechanism for this Board to be made aware of it. If you eliminate the accountability and oversight there is no mechanism by which this Board would be notified. I don't know how we get around that problem.

Alderman Shea stated maybe we could just add something to this that the person in charge of Human Resources would come back to the HR Committee and let them know that there is a department employee that is obviously within that 90 day situation and that would be part of her responsibility to report back to the HR Committee. That is what I would suggest so that there would be some oversight like you are suggesting, which I agree there should be. I

don't think we will find too many abuses but it's just an idea that we are the Aldermen and we have to make sure we know what is going on. That is what I would suggest.

Alderman Roy stated Ginny I am going to read into this a little bit. When you say you started this because of desk audits...

Ms. Lamberton interjected not desk audits but payroll audits.

Alderman Roy asked so these leaves have been happening and you are now just trying to find a way for them to be approved or fit into the ordinances.

Ms. Lamberton answered well to be honest with you when I first came to the City I was very surprised to see this ordinance. The State of NH allows the department heads to grant up to 90 days without pay prior to Governor & Council and that has been in effect since the early 1950's and there has never been a problem that I am aware of so when I saw the ordinance allowing the department heads to go up to 10 days I thought that was odd. Then because of other reasons we audit payroll for different purposes and we started seeing how many days, not necessarily in a row, but intermittently and they are well beyond 10 so we talked to the department heads and tried to work with them to resolve that. In the interim, that department is out of compliance with the ordinance so when they get audited that becomes an issue. All I am trying to do is make it work for everybody.

Alderman Roy stated we have voted in the past to let people have time off when there is a serious reason but I would like to see some oversight either from the Mayor's Office or the Mayor and Board of Aldermen. Ninety days is a long time to be able to give people if their position is necessary.

Mayor Guinta asked would it require being sent back for some technical review.

Ms. Lamberton answered for what.

Mayor Guinta replied well the Aldermen are expressing some oversight issues. I recognize your interest in trying to be in compliance with the ordinance but at the same time we shouldn't eliminate any oversight whatsoever in doing that. I certainly see your point of view and would like to work with you on this but I think there is an oversight issue that I am hearing from the Board. Whether that means sending it back to Committee or amending it this evening I don't know.

Alderman Shea stated well either way. We can deal with it this evening or send it back to Human Resources.

Mayor Guinta stated everyone is generally happy with the language and this could be amended tonight.

Alderman Shea moved to amend the ordinance to add oversight by the Human Resources Committee regarding granting of leave so as to make sure that we are informed about a policy that is being made by a department head so there wouldn't be any kind of abuse. I am not accusing anyone but so that we would be able to understand the implications of a decision that we are making in terms of granting a 90-day leave. That is my suggestion. If someone wants to second it that is fine.

Alderman Gatsas duly seconded the motion.

Alderman Forest stated the comment that I had going back to the City Solicitor is I do recall once since I have been on the Board and I think it was from Water Works and I think some of the Aldermen requested that we go into non-public session and we were advised by the Solicitor that we couldn't so we all passed it. It was an employee in Water Works that needed extra time and we all voted for it. I don't believe we should be discussing things like this in public session. I really want a clarification on this from the City Solicitor. I know we were told that we could not go in public session.

Solicitor Clark replied it depends what the reason is. If it is going to affect someone's reputation you have a right to go into non-public session unless that person requests that it be done in public session. If it is strictly a letter that is already before the Board you can't go into non-public. It is in the law and it all depends on the individual's rights.

Alderman Forest stated I think at the time there was a letter sent about the extra time from Tom Bowen but the item was not in the letter and some of the Aldermen wanted to discuss what it was about and we did not because you advised...

Solicitor Clark interjected I don't recall the reason but I can tell you that my office has requested leaves from this Board for an attorney that was handled in open session.

Mayor Guinta asked so a medical leave would fall under our ability to go into non-public.

Solicitor Clark answered if it is going to affect someone's reputation. There is nothing in the right-to-know law that allows you to go into non-public for medical purposes.

Alderman Lopez stated I think there are plenty of ways to do it. If it is a medical leave you can do a phone poll or something. This is just an oversight. I think the comment was made that people were going over 10 days. They can go over 30 or over 90 if there is no oversight. I don't mind the motion. I just wanted a clarification. Is it 30 days or is the 90 going to stay Alderman Shea.

Alderman Shea responded 90.

Mayor Guinta stated I don't think the motion is changing the language. It is requiring the HR Director to be the entity that provides the information to the HR Committee.

Alderman Gatsas stated this has already been to the HR Committee twice.

Alderman Roy asked can I have the Clerk or Alderman Shea restate the motion.

Deputy Clerk Normand stated my understanding of the amendment would be that in addition to other leaves authorized by this sub-chapter, department heads shall be authorized to grant an employee up to 90 days without pay in a rotating year and it must be approved by the Human Resources Committee. That is where I thought we were.

Alderman Shea replied no not approved by the Human Resources Committee but referred by the HR Director to the HR Committee for informational purposes.

Solicitor Clark stated if a department head is going to be granting a leave of absence without pay wouldn't it be more logical to just have the department head send a notice to the HR Committee that he is doing it. That would be the oversight rather than wait for Ms. Lamberton to...

Alderman Shea interjected well you could send it to her and she could tell us. That is what I am saying.

Alderman Roy stated if Alderman Shea will accept a friendly amendment along those lines what I feel we need is just notification to the Board when this happens. If this passes tonight I would like to see something put in between the first and second line saying the department head shall notify the Board of Mayor and Aldermen upon granting the 90 days. That way we are all notified and it is there and it doesn't go to a Committee where some Aldermen get it and some don't.

Mayor Guinta asked so a letter to the Committee with a copy to Ginny. Is everyone happy with that?

Alderman Shea withdrew his amendment. Alderman Gatsas withdrew his second.

Alderman Shea moved to amend the ordinance to add that the department head inform the Human Resources Committee of such granting of leave with a copy to the HR Director. Alderman Gatsas duly seconded the motion.

Alderman Duval stated I would like to get some remarks from Ms. Lamberton before we take a vote specifically as it refers to the amendment.

Ms. Lamberton responded well I guess I have a question. What would that notice say? Would it identify the employee? Would it identify the reasons for the leave being granted? Those would be questions that I would have because then we may as well just go back to the 10 days because then we are notifying the public that that employee is absent from work.

Alderman Shea stated I think we are sticking with the 90 days. We are not going back to 10 days.

Ms. Lamberton responded but it is my understanding in just listening that the department head can grant the time but he or she would have to write a letter to the Board informing them that they have granted the time. So I presume that in that letter it would be identifying the employee and the reason they are out.

Alderman Shea stated that is why I really wanted this to just go to the Director who would notify rather than to the Aldermen because obviously the more people that find out the less personal it becomes. That is what I am trying to say. All we are looking for is oversight and I am saying we are complicating the matter. The point of the matter is that she just knows if there is a person who has a 90-day leave. That's it. She doesn't even have to name the person necessarily, just inform the Committee so if there is abuse and there are 10 people that is when the abuse comes in. If there is only one or two during the course of five years that is fine. That is what I am saying and I think Alderman O'Neil brought up the same thing.

Alderman Smith stated I was under the assumption that department heads ran their departments. I have to tell you that when I worked for the City a person had a gall bladder operation and afterwards came back to work and two months later he had cancer so he was out without pay because he over extended his sick leave time and he had no insurance and had to stay home. It is up to a department head to run his department. I don't think we should get involved with it. If the department head or Commission grants someone a leave for 90 days so be it. The department head or Commission can review it and then they can report to Human Resources. I know that Alderman Forest is right. There was an employee at Manchester Water Works and it had nothing to do with the person but with their family. It was a family matter and I think this is the way we should handle it. I don't think we should nickel and dime it. I think that a department head runs their department and they are responsible.

Mayor Guinta called for a vote on the amendment. The amendment failed.

Alderman Duval moved that the ordinance ought to pass as amended. Alderman Pinard duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Smith, DeVries , Lopez, Long and Roy being duly recorded in opposition.

Report of the Committee on Joint School Buildings:

Advising that it has accepted and approved the School Facilities Improvement Project Change Order No. 25, and is forwarding same to the Board for informational purposes.

Alderman Gatsas stated I am looking at the second page of the AA where it says “provided all labor, materials, equipment and service to replace interior air handling unit at mechanical room #169, Highland Goffs Falls Elementary School” for \$36,201. There is a piece of legislation that was passed in Concord that allows for the quality of air in schools to be recovered with a fund. I know because I found the funding for that in a bill so I just found this an interesting item that we as a City should be looking to get refunded for and not have it come off the change order. I think that has to do with the air quality in the school.

Mayor Guinta stated well there is probably a significant amount of money that has been expended to improve air quality beyond just that \$36,000 change order. When did the legislation pass?

Alderman Gatsas responded there were two pieces of legislation. One that was in 2003 that was defeated dealing with air quality. I am recollecting it very clearly because of the past election. There was another piece of legislation we passed in 2005, which provided funding to fix the air quality so there is money available for air quality in schools.

Mayor Guinta stated well what we can do is speak with...

Alderman Gatsas interjected I can get you the bill number so someone can research that.

Alderman Gatsas moved to accept, receive and adopt the report of the Committee on Joint School Buildings as long as someone checks to see if we can get reimbursed.

Mr. Thomas agreed to look into it.

Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

Nomination presented by Mayor Guinta

Conduct Board

Toni Pappas to succeed herself as an alternate member, term to expire October 1, 2009.

Alderman Duval moved to suspend the rules and confirm the nomination of Toni Pappas as an alternate member of the Conduct Board. Alderman Roy duly seconded the motion. Mayor Guinta called for a vote. There being none opposed, the motion carried.

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the FY2007 CIP 214207 Firesafe Intervention Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty One Thousand Five Hundred Forty Eight Dollars (\$41,548) for FY2007 CIP 412207 Radiological Emergency Response Plan (RERP) Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Three Thousand Six Hundred Twenty Five Dollars (\$23,625) for the FY2007 CIP 811407 Manchester VISTA Initiative Program.”

“Amending the FY2003 and FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million One Hundred Seventy Six Thousand One Hundred Twenty Five Dollars and Forty Nine Cents (\$1,176,125.49) for various CIP Projects.”

“Amending the FY2007 Community Improvement Program, amending the Administering Agency to read Highway – Facilities Division for the 2007 CIP 511307 JFK Coliseum Rehabilitation Project.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Seventy Five Dollars (\$8,075.00) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

“Amending the FY2007 Community Improvement Program, decreasing Cash funds in the amount of Seventy Seven Thousand Dollars (\$77,000) from various CIP Projects.”

ought to pass and be Enrolled.

On motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to accept, receive and adopt the report of the Committee on Finance.

A report of the Committee on Public Safety/Traffic was presented recommending that an Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding sections and changing language to 70.06, 70.48 and 70.78 providing for Pay and Display Meters, Procedures, Enforcement and Penalties.”

ought to pass and layover per Rule 18 of the Board.

Alderman Thibault moved to accept, receive and adopt the report of the Committee on Public Safety/Traffic. Alderman Long duly seconded the motion.

Alderman Gatsas stated I went back and got the minutes from that Administration meeting and I am looking at them and Alderman Lopez made four recommendations. One of them was “move forward with an RFP for new display meters as soon as possible so as to aid the Board of Mayor and Aldermen in their deliberations for a final decision as to whether we are going to use them.” On the next page, Alderman Lopez stated “the point that I wanted to clarify and this question is directed to Mr. Sherman is that just because you go out for an RFP doesn’t mean that it is fool-proof. It still has to come back to the Board.” Mr. Sherman replied “the amount of money the Mayor put in will not fund all 300 meters. It pretty much, depending on the price, may fund about 40%. What you do is you would go back and ask the vendors to take a look at all of the downtown area where you current have meters and allow them to place the meters where they think they would be most effective. So what you would do once you got back those proposals and you had the pricing back it clearly would have to come back to the Aldermen.”

Mayor Guinta replied for a subsequent appropriation. Again I can understand some of the Board’s concern about communication but the fact of the matter is that the Board voted on it and we have to move forward with proposals and things that we agreed on. As I interpret that, they were talking about the initial appropriation and what that would cover for the City and then if we were going to complete the project there would be a second appropriation, which would have to come back to the Board.

Alderman O’Neil stated with all due respect I don’t think that is what that says. It had to do with once the RFP was out and we knew what the proposals were going to be and the cost it should have come back to the Board.

Mayor Guinta responded I guess we just have a difference of opinion.

Alderman Gatsas stated my concern, your Honor, is that 20% or 18% on every \$1 that is spent...I mean that is a very large concern to me. It doesn’t make sense on 18% and people can say whatever they want but when you are telling me that of the 638 meters only three of them are 10 hour meters and the rest are all 2 hours that means every transaction that goes in there is a 20% transaction.

Mayor Guinta responded if you use a card.

Alderman Gatsas stated I think we just had the expert tell us that 40% of the revenue is going to be card driven.

Mayor Guinta replied I am not sure I understand what your point is.

Alderman Gatsas responded I don't know of any other transaction fee that is 20% on the dollar. Do we have another transaction fee in the City, Randy, that is 20% or 18%?

Mr. Sherman replied no and again it is a per transaction fee and the percentage is based on the value of that transaction. Because the transactions are as low as they are, the percentage gets to be relatively high.

Alderman Lopez stated I thank Alderman Gatsas for bringing those minutes in to refresh my memory and that is exactly the way it was supposed to go. We were to go to RFP and then it was supposed to come back to us with the discussion that we had at Traffic and the Board tonight. The important thing is that we are now committed and we have a contract. That is the unfortunate thing. I think it goes back to other comments that the other Aldermen made. We make a decision and unfortunately the department head is probably caught up in it because she is new and we move forward like this in a process. Who reviewed the RFP? The Economic Development Director is not here and he was in charge of parking. We are in a Catch-22 at this stage of the game. Henceforth I think that members of the Board or Committees who are speaking I think we have to honor what they are speaking of.

Alderman Shea stated on another matter concerning parking I would like to take a roll call on whether we want the basic penalty to be \$25 and \$50 after seven days.

Mayor Guinta responded that section of the ordinance is before us. It was recommended by Public Safety and Traffic this evening 3-2. There were some discussions earlier about reducing the penalty from \$25 to...

Alderman Shea interjected to keep it the same as it was. \$10 and \$20 if you don't pay it after seven days. That is what it is now.

Mayor Guinta stated this ordinance has a proposed increase to \$25 and \$50 after seven days. We have a motion on the floor. Is there an amendment to the motion?

Alderman Shea stated I want a roll call on this particular item. Can we have a roll call and then it will go back to what it was before?

Mayor Guinta responded right now the motion on the floor is to accept this report so you have to either vote this up or down or amend it.

Alderman Shea moved to amend Section 70.78 of the ordinance changing the basic penalty to \$10 and \$20 after seven days. Alderman DeVries duly seconded the motion.

Alderman Duval asked are you proposing that in perpetuity Alderman Shea or do you have a timeline.

Alderman Shea answered for the time being anyway. I am not saying in perpetuity. Nothing is in perpetuity. We all know that.

Mayor Guinta stated I would assume that we would look at it and see how it works and see if it needs to be adjusted.

Alderman Osborne asked couldn't there be some kind of a compromise here. We are dropping it from \$25 to \$10.

Mayor Guinta answered if you want to make the case for a compromise, make it and we will take the vote and if the vote fails we can go to a compromise. Right now the amendment is \$10 and \$20.

Alderman Gatsas asked is this vote on both ordinances...my question is are we voting first for the first ordinance for the display meters and then the second ordinance for the fees.

Mayor Guinta replied we will get a clarification from the Clerk.

Deputy Clerk Normand stated my understanding is that this amendment is just to the penalty section, 70.78.

Alderman Gatsas asked so we are still going to vote on the ordinance...I understand that the Parking Director was on the job for a day but this has nothing to do with whether she signed an RFP. I am not looking to lay blame but I certainly don't think that I am prepared as a Board member to vote on a \$1 million item that there has been no discussion on. I know that it was brought up for discussion and there were questions when the presentation was made to all of us but it is a \$1 million expense and I don't feel comfortable not knowing what the other RFP's were and what they contained to vote. That is why I am asking are there going to be two votes or one?

Mayor Guinta answered right now the Clerk says the vote is solely on the amendment to change the penalty to \$10 and \$20.

Alderman Roy stated I just want a clarification. We talked about compromise. Item 3, which is the penalty, there currently is no language that we are compromising on. This is a newly created cost to people who avoid paying the meter. I believe when I asked earlier and Brandy can nod but an expired meter is \$5 and it goes to \$10 after seven days. No, it is \$10 to \$20? I personally feel as though I don't want to increase any fees at this level but we need to make it harder or more of a penalty for those people who ignore the system than those who are just don't use the system properly. So I would look towards the fees to be somewhat more than just a basic expired meter because they are totally ignoring the system. I would just offer that to the Aldermen. When we talk about compromise, we don't have this language there but we should make it higher than an expired meter penalty.

Alderman O'Neil stated not to beat on this but I agree with Alderman Shea's amendment. We need to crawl before we walk before we run. In my opinion we stepped off wrong with this. I think Alderman Shea's amendment makes a lot of sense and is in the best interest of the public.

Mayor Guinta stated let me try to make a couple of comments. I certainly recognize the Board's expression of wanting to see this process in a fuller way so I will be more than willing in the future when we have RFP's to bring them back and provide the information to the Board. There is certainly an interest on my part and on the City's part to make some progress in the area of the parking enterprise and moving forward to what I think we probably all will agree in the end is a smart move for the City. I do recognize the concerns that you are expressing. I would agree with the amendment. Let's not completely change this all at once. Let's keep the penalties at the same level and introduce this properly to the people of the City. I do think that this, at the end of the day, will be a very welcome change particularly in the downtown. Not just because of the changes in revenues that I think we will see, we will certainly see a positive revenue flow but we will also provide easier and more accessible parking for the citizens and an improved aesthetic value to the downtown. That being said, I will be more than happy to make sure that future RFP's do come back to the Board so we have ample opportunity to review them and make sure that people on this Board are comfortable enough to vote on it.

Alderman O'Neil stated your Honor that is not what I am asking for. We need government to do its job. My concern about this specific RFP was in my opinion there was clear indication that the Board wanted some feedback before this was awarded. I am certainly not asking that we get involved in every RFP. That is the last thing I want but in this case I thought it was clear by the Committee anyway that that is what we were looking for and that did not happen here. It is just when these votes are taken staff needs to respect the vote of the Board.

Mayor Guinta responded fair enough and we will make sure that we have that greater attention to detail in the future.

Alderman Osborne stated I have one small question on the 10-hour meters. How many are there?

Ms. Stanley responded three.

Alderman Osborne asked how many parking spaces for 10 hours.

Ms. Stanley answered three of the 93 meters are going to be 10 hours and they are replacing approximately 15 or 16 existing meter heads now.

Alderman Osborne asked so that is 15 or 16 spaces where people can park for 10 hours.

Ms. Stanley answered that's right.

Alderman Osborne asked and all they are going to receive is a \$10 fine if they stay there longer than that.

Mayor Guinta answered if this vote passes.

Alderman Osborne stated well what I am trying to say is we need some sort of compromise or a study of what you are doing. A \$10 fine? Somebody is going to stay there for 20 hours. What do they care because they are only getting a \$10 fine?

Mayor Guinta replied it is the recommendation of the Board. I think the Board's sentiment is try to move forward so in the interest of compromise let's try to move this forward. I am in support of the fact that this should be reviewed at an appropriate time in the future.

Alderman Shea stated I am sure that other people have...we all have one vote and we can either vote it up or down. We can talk about compromise and 13 hour parking, etc. but the point of the matter is that we have to come to some resolution and that is why I asked for a roll call. I have no objection if somebody wants to vote it up or down. That is up to them.

Alderman DeVries stated as I am looking at this I realize that we also need to update the existing expired meter language to reflect when they use the pay and display slip receipt and they become expired. Where we addressed the pay and display meter receipts, we haven't addressed the prior meter language. 70.78 was written up for the old meters or whatever you call them – the regular coin meters that we have today and that is not reflected...if I heard in your presentation somebody that has time left and has let's say paid for an hour and used 15 minutes they can move over to a regular meter and display the receipt. There is nothing in the ordinance that reflects an overdue meter if they are at a regular station. It only reflects when they are at a pay and display meter station.

Ms. Stanley responded I believe that section is a new section and doesn't affect what is in the existing ordinance for the expired meter. So anybody parked at an existing meter will still incur the same expired meter penalty.

Alderman DeVries replied I guess I would just recommend that we get the legal interpretation on whether that is enforceable without the language change. We don't need to do that tonight.

Mayor Guinta called for a vote. Alderman Shea requested a roll call vote.

Alderman Gatsas asked for clarification. We are only voting on one ordinance so when I vote on the amendment...if I am in favor of the display penalty to be \$10 but that also includes the whole gamut here which I don't feel comfortable with because I don't have enough knowledge about the RFP...

Mayor Guinta interjected it is a separate vote.

Alderman Gatsas responded no it's not.

Mayor Guinta stated let me defer to the Clerk.

Deputy Clerk Normand stated we have an amendment to 70.78. The rest of the ordinance in front of you include 70.06 and 70.48. All you are voting on right now is the amendment to 70.78 to reduce the penalty to \$10 and \$20.

Alderman Shea asked can you explain a yes vote and a no vote.

Deputy Clerk Normand answered a yes vote would be in favor of the amendment to \$10 for a basic penalty and \$20 after seven days for failure to display a pay and display receipt.

Aldermen Shea, DeVries, Garrity, Smith, Thibault, Gatsas, Pinard, O'Neil and Lopez voted yea. Aldermen Forest, Roy, Long, Duval, and Osborne voted nay. The motion carried.

Alderman Duval moved to accept, receive and adopt the report of the Committee on Public Safety and Traffic as amended. Alderman Long duly seconded the motion.

Alderman O'Neil stated we have no place to go but forward with these. As we were told earlier they are on a truck on their way up here and it cost us \$770,000 just for the meters. If we didn't install them we would save labor but it is still going to cost us \$770,000 and we have a contract for that. Unless we know another City that is looking for 100 of them I don't think we have much choice but I am disappointed in this whole process and I will continue to be disappointed in this whole process but I don't think we have any choice but to move on with this.

Mayor Guinta called for a vote. Alderman Gatsas requested a roll call vote. Aldermen Gatsas, O'Neil, Lopez, DeVries, and Smith voted nay. Aldermen Long, Duval, Osborne, Pinard, Shea, Garrity, Thibault, Forest, and Roy voted yea. The motion carried.

A report of the Committee on Public Safety/Traffic was presented recommending that Catholic Medical Center request for parking restrictions on the west side of Main Street from Sullivan Street to 286 Main Street for approximately 10 weeks during construction of the parking garage be approved.

Alderman Thibault moved to accept, receive and adopt the report. Alderman Forest duly seconded the motion.

Alderman O'Neil stated one of the things that Alderman Thibault suggested was changing it to Sullivan Street and I thought the gentleman in the Committee said something about 12 weeks instead of 10 weeks to play it safe so it doesn't have to come back.

Mayor Guinta responded it says approximately 10 weeks.

Alderman O'Neil asked so if it is over that are we okay.

Mayor Guinta answered I would think so.

Alderman Gatsas stated if memory serves me right there was supposed to be a revenue for parking at Jac Pac. Has that started and have we started receiving our revenue?

Mayor Guinta responded I think they have been parking there for quite some time and the revenue as far as I know is being received.

Alderman Gatsas asked are those revenues going into the package for Jac Pac so we don't have to keep adding to those funds I assume.

Mayor Guinta asked you are asking if the revenue goes into the general fund or into...

Alderman Gatsas interjected well it should go into at least the Jac Pac fund because I think we initiated some \$300,000 to make sure the building was...

Mayor Guinta interjected I think it should go into the one time fund. Can we get a clarification as to where that revenue from CMC is going?

Mr. Sherman stated we will have to go back and clarify. My understanding is that it is being collected by the Housing Authority and they are holding those dollars for Jac Pac.

Mayor Guinta asked can you clarify that and get a communication out to the Board.

Mr. Sherman answered absolutely.

Mayor Guinta called for a vote on the motion to accept, receive and adopt the report of the Committee on Public Safety/Traffic. There being none opposed, the motion carried.

Alderman Lopez stated I want to clarify something with Finance and the Solicitor. The vote was nine on the...did we pay for the display meters by bond or was it cash?

Mr. Sherman replied it was \$1 million that came out of the one time account.

Alderman Lopez stated okay I just wanted to clarify that so we don't run into a problem.

Alderman Garrity stated I have a question for Randy about the \$1 million funding. I thought it went through the CIP budget?

Mr. Sherman responded yes it was part of the CIP but the funding source was \$1 million out of that one time account.

Alderman Garrity asked then why was it even in the CIP budget if it was taken out of the one time account.

Mr. Sherman answered you did that prior to...because those dollars are set aside for a capital nature we have been appropriating them through CIP. We did it for the Hands Across the Merrimack as well a couple of years ago.

Alderman Garrity asked Mr. MacKenzie is that correct.

Robert MacKenzie, Planning Director, answered yes. The money would come from the one time fund but it was set-up in CIP so it could be properly tracked.

Alderman Gatsas stated my question is was it in the CIP budget that we voted on during the budget process.

Mr. Sherman answered yes.

Alderman Gatsas asked what was the project number.

Mr. Sherman answered hang on because I have it here.

Alderman Garrity stated I have a further question. If it was in our CIP budget and part of bonding then was it calculated in our tax rate and if it was the one time revenue account it probably shouldn't have been calculated in our tax rate?

Mr. Sherman replied no it was not calculated in the tax rate.

Alderman Garrity stated it was under the bonding portion of the CIP if my memory is correct.

Mr. Sherman responded I don't believe so. I believe, Alderman Gatsas, you wanted the CIP number?

Alderman Gatsas stated my question is how did we bond something or pay for something when we were still waiting for RFP's to come in.

Mayor Guinta stated it was approved through the CIP budget. It was approved and adopted by this entire Board. The money came from the one time account through CIP as was stated by Randy or Bob for tracking purposes.

A report of Committee on Community Improvement was presented recommending that the Board of Mayor and Aldermen adopt the provisions of RSA 79-E and for such purpose a resolution is submitted. The Committee notes the Planning Director has been requested to review the matter and provide a report to the Board regarding potential districts.

Alderman O'Neil moved to accept, receive and adopt the report and request MEDO to submit proposed procedures including applications to the CIP Committee for review. Alderman Osborne duly seconded the motion.

Alderman Lopez stated I have a question for the Committee. I thought this was a special state law. Are we going to tie anything up by having MEDO go through the Committee to help out some of the businesses downtown? What was the intent for the application to go back to the Committee unless they meet every week but I don't think they will do that? Can somebody give me an explanation as to why this has to happen if it is a state law and we can do this?

Mr. MacKenzie responded it is a state statute but it requires that the Board of Mayor and Aldermen actually approve each application so if a building owner wants to get a credit, there is a public hearing required and the Board of Mayor and Aldermen does have to vote on each application. So you will see every one that comes through.

Alderman Roy asked when you look at the sections that you designated, only one of them, the northern sections of the west side, were included. Why wasn't most of Main Street, Second Street and Granite Street including in this zone?

Mr. MacKenzie answered as I noted in my letter I think this could have been very useful for some of the neighborhood centers from Wilson Street to Second Street to Kelley Street. I did, in fact, speak with the City Solicitor today and the state statute is very narrowly worded. We do have to be careful about that. I would love to see some of the neighborhood centers included but we may have to modify the state legislation or potentially through our Master Plan, which the Planning Board is working on, the Master Plan can designate certain neighborhood village centers that I think would qualify in those areas. I would like to continue to work with the CIP Committee and the Board to see if we can perhaps include some of those areas but at the present time after talking to the Solicitor I think it might be difficult.

Mayor Guinta stated I don't think we would need additional state legislation. As far as I understand it the legislation allows us through a Master Plan or zoning ordinance or other method to determine what the zone is. We can amend it. My interpretation is that we wouldn't need additional state laws to do that.

Alderman Roy stated my next question is for the Solicitor. When I look at that charting what is the difference between the northern section west of the Merrimack and east of Eddy Road and the southern section on Granite Street, which is an area that we talked about for economic development for quite awhile?

Solicitor Clark responded the simple answer to that is that the sections that are delineated now are already in the Master Plan. The statute talks about village centers, downtowns and town centers. It doesn't talk about neighborhood centers but you can get around that and I talked to the Planning Director about that today by going through the Master Plan, amending it, and setting up different districts. Now the Master Plan is currently in the process of being updated and I think that is the route we will take.

Alderman Roy replied I, for one, will definitely support that.

Alderman Long stated just a clarification on...the Aldermanic Committee will be the CIP Committee. Are they the ones that...from what I understand they are just looking to finalize the application process or is CIP going to be the Aldermanic Committee reviewing the application and making a recommendation to the Board?

Mr. MacKenzie responded the Economic Development Office was just going to develop an application form and some procedures so that when an applicant comes in he will know what he will be judged on. That is just a fairness issue. In the end, it is the full Board of Mayor

and Aldermen that have to approve each one and I think the Board has to designate which Committee...I think it should go to a Committee but I think the Board has to designate which one is the most appropriate.

Mayor Guinta called for a vote on the motion to accept, receive and adopt the report and request MEDO to submit proposed procedures including applications to the CIP Committee for review. There being none opposed, the motion carried.

Alderman O'Neil asked what is the next step on getting the zone expanded.

Mayor Guinta answered the Master Plan is the most likely.

Alderman O'Neil asked and how soon...

Mr. MacKenzie interjected we are shooting to have that done by the end of June. Again by state statute it is the Planning Board that works on it but we are shooting to have that done by next June.

Alderman O'Neil asked couldn't we ask the delegation to get something changed pretty quick up in Concord to give us some flexibility so that in the springtime we could consider village centers or whatever.

Mr. MacKenzie answered I think you would want to amend the legislation to read "including neighborhood centers."

Alderman O'Neil responded point being that we could probably get the Legislature to act on this quicker than the Master Plan.

Mayor Guinta stated that will bring me to Item 19. I don't really have a big legislative update other than to say that I talked to Representative Baroody, who is the Chairman of the delegation. He and I are meeting on Thursday to discuss what some of the issues we feel should be addressed up in Concord are. After that we are going to have a meeting and he will send letters of invitation to all of the delegation and that will be scheduled for Monday, 11/27 at 7:30 AM here so we can meet with the entire delegation.

Communication from Castagna Consulting on behalf of Junker Equipment Division, Inc. submitting an offer to purchase equipment located at 163 Hancock Street at a total price of \$50,000.

Alderman DeVries stated as we are back at the Jac Pac property and we have already set that up under the Housing Authority I would move to refer this to the Housing Authority to execute. Alderman Garrity duly seconded the motion.

Alderman O'Neil asked instead of referring can we request that they move forward with this item. I don't want to refer it and just have it sit there. This is a legitimate request and it is in the best interest of the project.

Alderman DeVries asked refer and recommend the sale.

Alderman O'Neil answered right if that was part of your motion.

Alderman DeVries stated it was.

Alderman Roy asked have we had an appraisal on any of the equipment there and if so what is that appraisal. In the Junker Equipment letter there are two numbers. An offer of \$30,000 and then an offer of \$50,000 and in our agenda it says \$50,000. My question is probably to Bob MacKenzie. Have we appraised this?

Mr. MacKenzie responded not to my knowledge no.

Alderman Roy asked do we have any idea from any City employee staff or Housing Redevelopment if this is a fair price for refrigeration. I am not an expert in it and I don't think anyone on the Board is.

Alderman O'Neil stated I am not expert in refrigeration but my guess would be that every day the equipment sits there it decreases in value so the sooner we move this the better.

Alderman Roy stated I agree with Alderman O'Neil that this project has sat for much longer than it needed to but I hate to make a decision because we have one person making an offer and no knowledge. As much as I support moving this, I would vote no until we have some expert opinion.

Alderman O'Neil stated in looking at the original letter, this was submitted in November 2005. That is when this whole process started.

Alderman Shea stated a bird in the hand is worth two in the bush but actually I would say that the sooner we move on this, the better.

Alderman Smith stated we do have an expert here and you can bring him up and he can explain the \$50,000. He is representing the client.

Alderman Roy stated you have done a lot of work in the City and you are a trusted advisor to us, what is your opinion. I know you are representing the client but we are going out on a limb here.

Mike Castagna stated the equipment for the most part when the building was built five or six years ago the equipment was used and refurbished from back in 1982. Even when it was put into operation at this particular facility it was old. The client has come in and evaluated it and basically the offer is based on the value of the equipment and the use of the equipment but also it is based on the cost it is going to take to get it out and move it. It is going to cost close to \$40,000 to take it out of there. There is some substantial cost here and that weighed into the equation and I am making the offer.

Alderman Roy stated your Honor we have worked a lot with Mike in the past and I respect his opinion but we also have representatives who used to own that building available to us via a phone call. I would like to move this forward but I would like to see us make the best deal possible.

Mr. MacKenzie stated I would like to add that after reviewing the site and talking about this site to a few developers there is no value to any of the buildings or equipment at the present time to a developer. In essence, that is a liability to the site. I heard estimates as high as \$600,000 for demolition of the building so at this point anything we can get rid of is actually a positive because we won't have to pay for demolition.

Alderman Gatsas asked can somebody tell me if this is revenue to the City.

Mayor Guinta answered MHRA I believe would get the money.

Alderman Gatsas asked then why is this before us and not before MHRA. Why are we making the decision when this really belongs to them?

Solicitor Clark answered I don't think you are making a decision. I think you are referring it to them and if they feel it is appropriate...you can refer it with a recommendation that you think it is appropriate but if they feel it is appropriate they will do it. I believe the cash would go to the same place as the rental is going for the parking.

Alderman Gatsas replied we didn't make a decision on the parking rental fee and refer it to them. They made that decision.

Mayor Guinta stated it came to the Board though.

Alderman Gatsas stated there is a company in Manchester that kind of does the same business and I would suggest if you are looking for another client because I know they just left their location on Spruce Street and are in the process of buying another building, which is called Oven Poppers and they are in the seafood business. That is just a suggestion.

Alderman O'Neil stated my understanding is this has been around for almost a year. It has gone nowhere. They are looking for some direction and we can provide that direction with a recommendation to MHRA.

Mayor Guinta called for a vote. The motion carried with Alderman Roy being duly recorded in opposition.

Ordinances:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

“Amending Section 33.054 (B)(2)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.076(A), Special Leave of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

“Amending Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”

On motion of Alderman Roy, duly seconded by Alderman Garrity, it was voted to dispense with the reading by titles only.

Alderman Osborne moved that the Ordinances, having had their second reading, pass to be Enrolled. Alderman Thibault duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Roy, Lopez and DeVries opposed to the third ordinance regarding Special Leave.

On motion of Alderman Pinard, duly seconded by Alderman Duval, it was voted to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment & Revenue Administration was presented recommending, after due and careful consideration, that Ordinances:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

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“Amending Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”

were properly enrolled.

On motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration.

Resolution:

“A Resolution Adopting the Provisions of RSA 79-E, Community Revitalization Tax Relief Incentive.”

On motion of Alderman Duval, duly seconded by Alderman Pinard it was voted to read the Resolution by title only, and it was so done.

On motion of Alderman Thibault, duly seconded by Alderman Long it was voted that the Resolution pass and be adopted.

Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000) for the FY2007 CIP 214207 Firesafe Intervention Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Forty One Thousand Five Hundred Forty Eight Dollars (\$41,548) for FY2007 CIP 412207 Radiological Emergency Response Plan (RERP) Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Three Thousand Six Hundred Twenty Five Dollars (\$23,625) for the FY2007 CIP 811407 Manchester VISTA Initiative Program.”

“Amending the FY2003 and FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million One Hundred Seventy Six Thousand One Hundred Twenty Five Dollars and Forty Nine Cents (\$1,176,125.49) for various CIP Projects.”

“Amending the FY2007 Community Improvement Program, amending the Administering Agency to read Highway – Facilities Division for the 2007 CIP 511307 JFK Coliseum Rehabilitation Project.”

“Amending the FY2007 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Eight Thousand Seventy Five Dollars (\$8,075.00) for the FY2007 CIP 610407 Housing Rehab/Lead Hazard Control Program.”

“Amending the FY2007 Community Improvement Program, decreasing Cash funds in the amount of Seventy Seven Thousand Dollars (\$77,000) from various CIP Projects.”

On motion of Alderman Forest, duly seconded by Alderman Thibault it was voted to dispense with the reading by titles only.

On motion of Alderman Long, duly seconded by Alderman Thibault it was voted that the Resolutions pass and be enrolled.

Ordinances:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1993 BOCA National Plumbing code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

“Amending Section 33.054 (B)(2)(Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.076(A), Special Leave of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

“Amending Chapter 117: Food Service Establishments, Section 117.19 Permit Fee, providing for increased fees.”

On motion of Alderman Roy, duly seconded by Alderman Long it was voted to dispense with the reading by titles only.

These Ordinances having had their third and final presentation, Alderman Thibault moved to Ordain. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman Long opposed to Ordinance 33.054(B)(2) Overtime Compensation/Comp Time), and Alderman Roy opposed to Ordinance 33.076(A) Special Leave.

TABLED ITEMS

- 28.** Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

29. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

ought to pass.

*(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)*

This item remained on the table.

30. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

ought to pass as amended.

(Unanimous vote except for Alderman Gatsas who was absent.)

*(Note: Informational meeting has held; **suggested amendment by Planning Director enclosed**)*

(Tabled 10/03/2006)

On motion of Alderman Duval, duly seconded by Alderman Shea it was voted to remove this item from the table.

Alderman Duval moved that the zoning ordinance as proposed by the Manchester Water Works Director and amended be accepted. Alderman Pinard duly seconded the motion.

Alderman O'Neil asked can Bob just tell us quick...it says suggested amendment by Planning Director. Was that before or after the meeting?

Robert MacKenzie, Planning Director, stated the Board asked us to go to another hearing in the neighborhood. I did. One of the issues that came up was one that I checked into further. I actually went out onto a site to look at it. It appeared that in certain cases where you had small commercial lots that the potential 50' wetland setback could effect a small lot in terms of getting in adequate parking for building. I did recommend that those smaller commercial lots be exempt from the additional wetland setback.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

NEW BUSINESS

Alderman Lopez stated I would like the City Clerk to pass out a memo. At this time I am appointing a special screening committee for the purpose of filling the vacant City Finance Officer's position. The first named is Chairman and that is myself. Also on the committee are Aldermen Roy, Gatsas, Shea and Smith. After the meeting would you please see Ms. Lamberton before you leave.

Alderman Gatsas stated I have a question of the Director of the Office of Youth Services because I had read an article about him getting involved in the drop out rate with the Mayor's Youth Advisory Committee. Marty, have you had any discussion with Mr. Schubert who runs the PASS Program because certainly he would be the expert on alternative education and how we may go about reducing the drop out rate?

Marty Boldin, Director, Office of Youth Services, stated there is a meeting scheduled tomorrow at 1 PM at Central High School. Principal Rist, Coach Schubert and Frank Bass are three of the attendees. I believe there will be more though.

Alderman Gatsas replied I didn't see anything in the article because I know this drop out rate is something that we need to get under control. Franklin has done a great job taking it from 24% to 2% or 3% and I certainly would ask you to take a look and see how they got it under control.

Mr. Boldin responded absolutely.

Alderman Shea stated I have something that I will ask Leo to pass out. This is the proposed Economic Development Committee. Last year as Chairman of the Aldermanic Board I proposed establishing an Aldermanic Economic Development Committee. The present Aldermanic Chairman reiterated implementing this proposal several weeks ago. Several Board members are in agreement so I would encourage colleagues to support this proposal tonight. We know that there are certain items that come up every meeting we have concerning economic development and many of us are in the dark as far as what is transpiring. I am making the motion that we establish such a Committee.

Alderman Roy duly seconded the motion.

Alderman Roy stated I brought this up last night at the Riverfront/Baseball Committee. There are a number of economic development opportunities that face us and a lot of times because our meetings tend to run now until 10 PM we don't get to that and there is no Committee designed to oversee that or promote the City so I, for one, would like to see us go ahead and establish this and staff it with the Chairman of the Board or the Mayor – whatever

the Charter dictates, fill it with Committee members that can review the Jac Pac situation...Ash Street School we are now paying for another year of heat and there are properties that the City owns that should be liquidated and sold for economic development. There is the Pandora building that we are waiting for updates on. There are opportunities wasted because we are not addressing it and I, for one, feel that we are hurting the taxpayer by dragging our feet.

Alderman Shea stated that would be a sub-Committee and I think the Chairman of the Board would be responsible for appointment Committee members.

Alderman Forest asked with this proposal does that mean we are going to eliminate the Economic Development Director.

Alderman Shea answered I am not sure we would do that. No, that has nothing to do with that.

Alderman Forest asked aren't you duplicating efforts then.

Alderman Shea asked in what way.

Alderman Forest stated well we are going to be looking for another Economic Development Director. Are we going to again duplicate efforts by having this Committee and the Director that we are going to be hiring in the near future?

Alderman Shea replied no we would work together with that person. That is the purpose of this.

Alderman Forest stated I think we are going to be micromanaging that department.

Alderman Shea responded well if you don't agree with it you can vote against it.

Alderman DeVries stated I know in the past that I did not support the organization of this Committee. I am somewhat more comfortable with it and that is after reviewing the statute that was before us. It is a state statute that allows the economic development tax incentive or the abatement of local property taxes. I think this is a perfect committee to review those applications as they come forward so I think we can develop that and we can decide as a Board what we want to have this Committee...how involved we want to have them as opposed to the new Economic Development Director as they come on board.

Alderman Roy stated as follow-up could we hear from Bob MacKenzie who is in the interim Economic Development Director. Could we get his opinion on this?

Mr. MacKenzie responded I do think there have been a couple of recent incidences where the Board should be more informed of some of the issues in terms of economic development. It is critical. There is actually a lot of work being done but sometimes the Board is not aware of that. I would certainly be happy as interim director to come in and brief a Committee. I would be cautious though that there are several major economic development projects that are somewhat confidential in nature and it would be difficult to do business transactions in public and I would hope that the Committee would understand that there will be projects that are somewhat confidential in order to protect business interests. I would assume that this would be primarily a policy review Committee as opposed to just looking at all of the details of projects because that could actually slow projects down. I do think there is a need for improved communication on economic development projects with the Board.

Mayor Guinta asked Solicitor Clark can you let the Board know what the process is regarding who can establish a Committee and who appoints the members.

Solicitor Clark stated basically you are talking about establishing a Special Committee of the Board with a set purpose. The Board would determine what the purpose is and the Board would establish the Committee. The Chairman of the Board would then name the Chairman of the Committee and the Committee Chairman names the members.

Alderman Gatsas asked if we change the rules of the Board and make that a standing committee that would then be the Mayor's prerogative to name who he wants on that Committee correct.

Mayor Guinta stated a point of clarification is this calls for establishing an Aldermanic Economic Development Committee. Is this calling for a standing Committee or a Special Committee? To me it doesn't say.

Alderman Shea stated a Special Committee rather than a standing Committee.

Alderman Gatsas stated it should be a standing Committee.

Alderman Shea stated it could be a standing Committee but I am recommending that it be a Special Committee.

Mayor Guinta stated let me weigh in on this a little bit. I would respectfully oppose the suggestion for a number of reasons. First and foremost this has been tried in the past. I know when Mayor Baines was here there was an attempt to establish a Committee like this and he opposed it for many of the same reasons that I am going to oppose it. I think that first and foremost economic development is an essential part of the Executive Branch's responsibility. Whoever the Mayor is has to be able to work in a very confidential manner with potential developers and development opportunities in the City. There is no way that is

going to occur if there is a Committee created that has the oversight to essentially review any project that is being reviewed by City staff and by my office. There are many projects, quite honestly, that we are discussing now that I have not brought to the attention of this Board at the request of the development team. We have to honor those requests because quite honestly if we don't they are not going to come to this City. What I have heard time and time again from developers locally and outside of NH is that this is something that they are essentially in a very unanimous way opposed to. I also have talked to people in the City on MDC and other business people who have nothing but the best interests for the City who would agree with that sentiment that this would create a lot of concerns because anything now is in the public domain. To me that is setting bad policy. I know when Jay Taylor was here he opposed it and when Paul Borek was here he opposed it. If there is an issue with communication, I would be more than happy to make sure that you are properly communicated with. I have tried to do that in the last 10 months and I certainly will continue to do that but I cannot in good conscience communicate things that I have been asked to keep confidential. Therein lies the real crux of the problem. For example if you create this Committee and the Economic Development Director or Mr. MacKenzie or anybody else briefs you and excludes two or three projects because of confidential reasons and then briefs you three or four months later, the Committee is going to get angry at staff and that is creating a disconnect. That is not really what we want to create. I can tell you, you have my word and I believe every Mayor has the best intention of making sure that this Board is properly informed at the proper time. I certainly will commit myself and recommit myself to that effort. At no time do I want to keep this Board in the dark on any particular issue but it has to be...I have to be able to honor that confidentiality that is requested by almost every single developer. There are projects now like...well I won't go into them because I can't but there are a lot of projects that are on the cusp. I would very much ask you to consider this very seriously and recognize some of the challenges that it would create.

Alderman O'Neil stated my understanding of what Alderman Shea is proposing and he can correct me if I am wrong but it was not to be a micromanaging Committee. I will give you some examples of recent items. If this Committee existed, Glen could have come to this Committee with the discussion about the RFP that he came to the full Board with. That was not something that was in conflict of confidentiality discussions that you and City staff might be having with the developer. I just met with Kate Benway last week to talk about...Bob correct me if I am wrong but a branding program or something that started. Again, another thing that this Committee could be doing. Glen is the RFP for Jac Pac on the street or going on the street? It could be the first step for the MEDO staff and the MHRA and MDC to report back to. I would not support this if it were to get involved with those closed door things that need to happen. I think there is enough going on publicly that is out there. We just need a Committee to kind of track some of this stuff. We have invested in staff and they are under great leadership with Mr. MacKenzie down there now and hopefully we get a permanent Economic Development Director at some point but I would not support this if it was to...if it conflicted with your concerns. I don't believe that is what Alderman Shea is

proposing. I believe it is kind of broad. There might be some things that have gone to CIP that maybe could be going to this Committee. I don't know.

Alderman Roy stated just to reiterate my seconding of this, there is nothing that I would like to see this Committee do that would impede the Mayor's Office or other staff's offices to get projects going. There are projects that are very public that have sat...I don't remember the last time we had someone from MHRA come in and give us a report. Tonight we had conversations on parking and whether or not CMC is paying and what is going on. Those are very public things that we have read about in the paper for years now but we haven't seen the actual reports to this Board. MDC is fantastic at getting things going, sometimes in a public way and sometimes in a private way but getting those reports to the full Board. I just look at this as a tool for the Mayor's Office more than something that is going to stand between you and the developers. Anything that should be confidential, I will be the first to say should remain confidential. You have a job to do and the Planning Director and Economic Development Director have jobs to do. I look at this more of much like the NET team going out and assisting City staff in their performance just to keep everyone on track and keep the projects moving and getting the information out to the public and the Board when it is appropriate.

Alderman Duval stated I think we have an opportunity coming up real soon to select a new Director of Economic Development for the City and it is an important time for us to make sure we pick the right candidate who is going to further assist in nurturing those economic development issues that are so important to the City. If we have a strong Economic Development Office and the involvement day-to-day by the Mayor I don't know why that Economic Development Department along with the Mayor can't be informing us as a Board – the entire Board. The Finance Committee is made up of this entire Board and economic development is so vitally crucial to the future vibrancy of the City that it seems to me that it is important enough to report to the full Board and not just a handful of Aldermen. I think if there has been a lack of communication we can be critical of our Economic Development Office for failure to communicate to us effectively on a whole array of economic initiatives that have been, according to some of my colleagues, perhaps delayed. So that is how I feel about it.

Alderman Shea stated it is better to respond with awareness rather than react with impulse. I think that one of the difficulties that I have and I will speak personally is we have people coming before us concerning various economic development projects that we don't have the insight to make a real sound judgement about because basically we have to respond almost simultaneous to that. All I am suggesting is that the more information we can gather...no one is interested in confidentiality or in your prerogative as the Mayor to discuss things. It is simply, as you said, to have better oversight and better awareness of what is going on and to have more information for when we vote. That is the only reason for this. Certainly it is not trying to impose any kind of standards because obviously the more support we can give to

Bob as he indicated and he can advise us as to what is confidential and what isn't and if a new Economic Development person comes in he certainly wants to be guided. He is going to be the new guy on the block so he is certainly going to look for the Aldermanic Board and to your office, Mayor, for insight. The only reason for this is to help the Aldermen, all of the Aldermen, to gain better insight into what we can do to help the City grow economically because God knows we need a lot of support from the industrial and commercial aspects of our community.

Mayor Guinta replied my comment to that would be this. I would certainly agree that there needs to be an open dialogue between the Economic Development Office and this Board because this Board is making critical decisions on behalf of the City. We have 100% agreement there. My only point would be rather than create a Committee let's have that accountability and oversight at the full Board and demand of the new Economic Development Director and the Interim Director to keep this Board apprised of the ongoing projects, whether it is in written or oral format or both. That would be my preference. Alderman Roy touched on the fact that this would be a tool to help me. Well what would help me the best would be to allow the Director to report to this Board on a normal occurrence whether it is in writing or with a presentation. I have no problem with every Aldermen knowing all of the projects that are ongoing and the status of those projects. As a matter of fact, you should know that. To me that should come from the Economic Development Director, not necessarily with an oversight Committee. I think we share some of the same concerns but the solution that I am proposing would be in the better interest of the City rather than the establishment of a Committee.

Mayor Guinta called for a vote. Alderman Gatsas requested a roll call vote. Aldermen Gatsas, Long, Duval, Osborne, Pinard, Garrity, and Forest voted nay. Aldermen O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Roy voted yea. There being a tie vote, Mayor Guinta executed his vote in opposition. The motion failed.

Alderman DeVries stated before the vote was called I was going to suggest that maybe Aldermen Roy, Shea and Lopez sit and try to define specific duties for the Committee so that we would all feel more comfortable with this. Maybe if that occurred and was brought back to the Board there would be the ability to pass this.

Alderman Gatsas stated I think the vote will be the same each time your Honor.

Alderman O'Neil asked the Clerk to hand out a Resolution. This has come after a lot of discussion with members of this Board. It is pretty simple and to the point. If you would like, I will read it.

“That the Board of Mayor and Aldermen recommends that in consideration for employment or promotion within Manchester City government, the department head give qualified residents of the City first consideration for those positions.”

Alderman O'Neil moved to adopt the Resolution. Alderman Duval duly seconded the motion.

Alderman Gatsas stated I certainly agree with my colleague that employees of the City should have special preference. I was wondering if we could start this...I don't know if we need an ordinance but I wouldn't have a problem putting it in an ordinance form that from a certain day forward this Resolution change to an ordinance that says that anybody that is hired would have preference as a City resident and anybody that is promoted would have to be a City resident. I don't have a problem with that and with a start permanent date of say January 1, 2007 that any new hire would have to be a City employee to be hired or promoted.

Mayor Guinta asked does that violate any of our contracts.

Solicitor Clark answered there are a couple of problems with that. The courts have consistently ruled and Manchester has been up there three times, that you cannot require employees to be residents of the City of Manchester.

Alderman Gatsas asked can we say that they have to be residents of the City of Manchester for promotion.

Solicitor Clark answered I don't believe so, no. A lot of that is governed by the union contracts. I think the department heads can be encouraged and the Board can recommend that they consider residency on equal qualifications but I don't think you can require it.

Alderman Osborne stated this is just a Resolution that Alderman O'Neil came up with. I don't have a problem with it. I know that 20 or 25 years ago we went through this before with living out of town and so on and so forth. As long as the qualifications are there equal or better I can see this. Again, it is only a request. It is not an ordinance.

Alderman Thibault stated I do have a problem with it. I agree with Alderman Gatsas and the proposal that he is bringing up now. It should start at a certain date from now on, not in the past. There are people who have been working for the City on the Fire Department or Police Department for 25 or 30 years and because he is now at a point he can be promoted we are saying he can't because he lives in Goffstown? That is not right. As Alderman Gatsas said we can say from now on is that these people will have to be residents. That is a different story. You should not penalize somebody who has been working for the City for 25 or 30 years. That is not fair.

Alderman DeVries stated I have problems with it but for a different reason. I think that whether it is new hires or promotion it should first be based on competency. The most competent individual should be the one we are looking to promote and/or hire into a position.

I think the second consideration ought to be seniority. There is wisdom that comes with time on the job and an individual up for promotion should be given credit for seniority. Then with all of those items being equal, if you are looking for a tiebreaker, I would agree that local residency should be the tiebreaker if there are two equally competent individuals but just as Alderman Osborne said we don't want to be advocating that a less competent individual from within the City should be promoted and/or hired ahead of somebody else.

Alderman Lopez stated I would have to go to the City Solicitor and HR Director for comment. What are the potentials if we did create an ordinance? I know you said we lost three times Tom but what is the position for an employee who has been passed over for promotion because he was not a resident? What is the ratification that could happen if you could give us an example?

Solicitor Clark responded it is hard to give an example. Most likely if you required it and someone were passed over because they weren't a resident, you would be sued and you would have to pay money damages.

Alderman Lopez asked money damages to the individual.

Solicitor Clark answered correct and you would probably have to place them in the job too.

Alderman Lopez asked what is your opinion, Ginny.

Ms. Lamberton answered I don't think it is a good idea. I believe that you should promote the most competent people that you have. Right now I think 48% of the City employees do not live in this City. I think that also a good percentage of the department heads don't live in the City. I just don't see where it is in the best interest of the taxpayers to promote people solely because they are residents of the City, not to mention the lawsuits.

Mayor Guinta stated I just want to defend my good friend, Alderman O'Neil over there. First of all, the Resolution and again it is a Resolution and not an ordinance – there is a big difference so this is sending a message from the Board if it passes that nothing more or nothing less department heads should give “qualified” residents” first consideration. I don't think we are looking for anyone other than qualified individuals. I think there has been discussion amongst members of this Board about the differences between someone who lives here and someone who doesn't live here. I think there are many people on this Board who appreciate the fact that somebody who lives here is completely committed to the City and there should be some sort of reward for that. It doesn't mean that anyone who lives outside the City is not committed. I think we have many department heads and employees who reside both inside and outside the City who are very committed to the City but the fact of the matter is that this talks about qualified residents. It is not binding. It is a Resolution that is

encouraging and urging and I think it sends a message to people in the City that if you want to work here and you are proud of this City, consider living here. I don't have a problem with the Resolution. I think it sends a good and positive message that we are about this City.

Alderman Gatsas stated I don't think for one second that my colleague, Alderman O'Neil, would ever think of promoting an incompetent person before a competent person. For anyone to even suggest that is wrong. I think that he has made a suggestion. I think that it is probably something that the taxpayers of this City would look at and say you know what, that is not a bad idea. I don't think he is talking about incompetent, unqualified individuals over somebody that is qualified and competent. For anybody to even assert that is wrong. That assertion is a bad assertion on a colleague on this Board. A bad assertion.

Alderman Long stated to me it is basic economics. It is an economic development tool. Residents in Manchester spend their money in Manchester. Taxpayer money getting paid to residents of Manchester is recycling back into Manchester. To me it is just a simple economic development tool and I agree with the Resolution wholeheartedly and I would consider an ordinance.

Alderman Duval stated I happened to Google search such ordinances today and I came across countless municipalities throughout this country – large, small and medium that have such an ordinance so it is taking place across our nation. Interestingly they point to a whole variety of reasons as to why it is important for a community to have such an ordinance. Rather than slam the door on it, I would like an opportunity perhaps to refer the matter to Committee to further explore and consider in the full light of day the benefits of such an ordinance. If at the end of time we decide as a Board that it is not in Manchester's favor to do that, then so be it and we vote it down but at least at this time I think the Resolution is entirely appropriate. I was pleased to get the phone call from Alderman O'Neil to support it and that is why I seconded the motion. I think it is good for Manchester and I think beyond that we should refer this to Committee for a further review to make it into an ordinance.

Mayor Guinta stated right now the motion is on passing the Resolution and I will call for a vote. Alderman Gatsas requested a roll call vote. Aldermen Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Shea, Garrity, Smith, and Forest voted yea. Aldermen Lopez, DeVries, Thibault, and Roy voted nay. The motion carried.

Alderman Pinard stated Thanksgiving is coming and that means the lighting of the Christmas tree at Massabesic Lake on Friday at 6 PM. You are all invited with your families because we have a big surprise like every year. Also, don't forget that the annual Christmas Parade is on Saturday this year. I think most Aldermen got an invite to participate in the parade and I invite everybody to come down to Massabesic Lake and have a good time with us.

Alderman O'Neil asked is that Friday, November 24 and then the parade is Saturday, November 25.

Alderman Pinard answered yes.

Alderman Duval stated I have two items real quick. With regard to a proposed ordinance, can we put that on the agenda for the next HR Committee? Does that need a vote of this Board?

Deputy Clerk Normand asked you are looking for an ordinance for what.

Alderman Duval answered residency requirement.

Deputy Clerk Normand stated we can just recommend that it goes onto the HR Committee for their next agenda.

Alderman Duval stated one other item. In a communication dated September 5 to you, your Honor, from the Chairman of the Manchester Airport Authority, Gary O'Neil with regard to an issue involving the Airport Director, do we need to go into non-public session to discuss that or can I discuss it openly?

Solicitor Clark stated you can go into non-public session or recess to meet with legal counsel on that.

Mayor Guinta stated well we have to go into non-public anyway so can we discuss that.

Solicitor Clark responded no. You are recessing to meet with the Chief Negotiator. You would recess to meet with the City Solicitor if you want to discuss this. It would be two separate recesses.

Mayor Guinta stated why don't we get all of the other new business out of the way and then we can recess.

Alderman Smith stated I would like to talk about placement and removal of political signs. I got a call from the Principal at Parker-Varney and apparently that is the polling place in Ward 10. They left the signs there and no one picked them up and the kids were playing with the sticks and metal holders and he was really concerned about safety. He wanted to know what we could do and all I could do was send a truck over from the Highway Department. I want everybody here, whether you are a Democrat or Republican, to know that the Highway Department sent two people out there to pick up signs. The pile has to be 10' or 15' high. As they were taking them out of the City the other people were back putting them back out. It is against the law to put it in the right-of-way but the only people who can

take them out of the right-of-way is a Building Inspector or the Highway Department. You could go down Canal Street...it was an adventure or South Willow Street or Queen City Avenue and some of the signs...I know they have 10 days to pick them up but the way this reads is they can't put them in a public way and everything was in a right-of-way and the only people who can take them down are a state employee or Building Department or them. I would like this corrected and I would like to have a letter written to the Principal of Parker-Varney telling him that the City will do something after the polling hours for the next election and the signs will be picked up. He came in and the kids were on the playground playing with all of these stakes and holders. I just bring it up because everybody knows what went on. There were signs all over. I think something has to be done.

Alderman Gatsas stated I will support my colleague from Ward 10 if he wants to put an ordinance in that any political sign that is picked up in the right-of-way is a \$10 fine. I support you on that and I am sure this Board would support you so any sign that is put in a right-of-way that the Highway Department has to pick up should be a \$10 fine and I don't care how it gets there...whether your opponent puts it there or somebody else puts it there, you are responsible for it. I am very serious.

Alderman Smith stated I live on the West Side and if you went down Queen City Avenue right by the intersection and came across South Willow Street all the way up there were signs. If you went down Canal Street you couldn't tell whether there was an intersection there or not because there were so many signs. We have to do something.

Alderman Gatsas replied if you don't want to bring an ordinance forward, I will bring it forward.

Mayor Guinta asked it should be referred to which Committee.

Alderman Gatsas answered Administration. That is where everything else used to go when I was the Chairman.

Mayor Guinta asked can we refer that to the Committee on Administration.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to refer the issue of political sign placement to the Committee on Administration/Information Systems.

Alderman Forest stated I don't think either department is prepared to answer this but I know that I have spoken to the Director of Parks & Recreation and Highway and I know I have talked to a few people at Facilities about signs. The Highway Department and Parks & Recreation have spent almost a month to a month and a half on a daily basis with the exception of weekends picking up political signs. I have asked Frank Thomas and Ron Ludwig to give us a figure of how much man hours are spent removing these signs on a daily

basis. We have no teeth in the ordinance we have. They take them down and people put them back. It is a daily complaint for them.

Alderman Gatsas stated I am sure Alderman Smith is going to put some teeth into that ordinance.

Alderman Forest responded I hope so.

Deputy Clerk Normand stated we have a Resolution that has been passed out to the Board from Robert MacKenzie.

“Amending a Resolution ‘Continuation of the Central Business Service District’ so as to revise the Special District Assessment for Fiscal Year 2007.”

Alderman Long moved that the Resolution ought to pass and be enrolled. Alderman Osborne duly seconded the motion.

Alderman Gatsas stated I have one question. The change in the rate from 64 cents down to whatever it was, is that just taking into consideration the new equalized rate and it doesn’t create more funds?

Mr. MacKenzie responded no. This uses the new rate, the new revaluation rate exactly to the appropriation that the Board made this spring for the Committee.

Alderman Gatsas asked so it doesn’t appropriate any more money.

Mr. MacKenzie answered no.

Mayor Guinta called for a vote. There being none opposed, the motion carried.

Mayor Guinta called for a recess to meet with legal counsel.

Mayor Guinta called the meeting back to order.

Communication from the Chief Negotiator requesting to meet with the Board to discuss union negotiations.

On motion of Alderman Roy, duly seconded by Alderman Thibault it was voted to meet with the Chief Negotiator to discuss union negotiations.

Mayor Guinta called the meeting back to order.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Pinard it was voted to adjourn.

A True Record. Attest.

City Clerk